

## Planning and Neighborhoods Committee Meeting Transcript – 04/30/2015

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[2:10:15 PM]

>> Casar: All right. Good afternoon, everyone. Since we've got everyone here, I'll get us started. So I'm councilmember Greg Casar, and we're meeting in council chambers for the planning and neighborhoods committee, starting at 2:11 P.M. So first, can I get a motion to approve the minutes which you've got here? So moved by councilmember Gallo. Seconded by mayor pro tem tovo. All in favor, say aye. Aye. The meetings are approved unanimously on the dais. Our next item is citizen communication. So I know that we're still trying to get this all sorted out with the council committees and how this works. We're trying to regularize it across the committees. We're trying to do this like we do the council meetings where citizen communication is speaking on items not on the agenda, or if you're touching base on an item on the agenda, but then going off using that at a jumping point to talk about other items, you can speak about that in citizen communication. So currently I have Scott Johnson signed up for citizen communication, as well as Stewart Hirsch mentioned to me that he was interested in doing it at the start of citizen communications, so if both of you all could come speak, that would be great.

>> [Inaudible]

>> Casar: Okay. Great. Oh, sorry, Rick. I saw you on number two, you're up after Stewart. Scott, you threw it off by writing citizen communication and I ignored all the 2's. Sorry.

>> Good afternoon, councilmembers. My name is Scott Johnson. I'm here today to talk about the opportunity that, through a resolution of the Robert Miller commission, which I'm not on, earlier this year they codified a request to do a briefing, which normally is done by staff.

[2:12:18 PM]

My hope is that there would be someone from the Robert Miller commission to speak at the same time to give some context and possibly other people that have been involved in the predecessor to the Robert million commission

-- Robert millercommission since the '90s. I shop there, I do some of my service work there, banking, et cetera, and watched with interest as this development builds up because it's such an enormous opportunity. Maybe once in a lifetime opportunity to plan something that's better than some of the neighborhoods have been planned in recent decades. Clearly, there's some positives there within the development, but there's also some challenges. Transportation is one of them. Are we also building in a way that we're putting people close to the services and close to where they might work, and that's something that I hope this briefing will flush out a little bit through some good questions by the councilmembers, as well as the idea that could this lead to a review. My belief and other people that have been working on city issues for a while believe that there should be a midpoint planning review,

really, for all public/private partnerships. The city of Austin and perhaps a lot of other municipalities don't do public/private partnerships well enough to satisfy high standards. The criteria that we all want. We want a good pay-back, we want people to live in a safe neighborhood, we want them to be close in transit, development, et cetera. That is my hope through this process of briefing that hopefully will happen in may, at your may meeting with a member from the public -- the Miller commission, as well as that could lead to what could be a midpoint review. A targeted one, mind you, where we're looking at housing. Are all the housing options being included before Miller is built out? Is transportation being considered in terms of giving people options to walk and to bike to the H-E-B and the town center.

[2:14:20 PM]

These are questions that need to be asked, and I hope that you'll take this issue up in your may meeting, or as soon as possible, to get a briefing from staff and consider the idea for a midpoint planning review, that my opinion should have been built into the original developer agreement, and can be built into future development agreements that are public/private partnerships. Thank you. Questions?

>> Casar: Thank you so much. And at the end of the meeting we're going to have a discussion on future agenda items, and so I think that this is something totally appropriate for us to bring up in context of the other items that committee members may want to bring up, and we can talk a little bit about scheduling if we run our committee meeting as quickly as we can. So, Scott, we'll certainly give you an update if you have to go before the end when we discuss future committee items. I'll make sure we get you the information for what's coming up next month and the month after that.

>> Excellent. Thank you.

>> Casar: Thank you.

>> Chair and members of the committee, my name is Stewart Harry Hirsch and like most in Austin, I rent. I had already planned to see you today and ask that this committee and the housing council committee take up housing affordability for what I like to call two houses on one lot. The staff calls it accessory dwelling units. And for Raney street in June, after it's codes and ordinances committee tries once again in may to make recommendations to the full council, please schedule a joint meeting on both topics in June and invite stakeholders to participate. I've included in your backup what I gave the planning commission Tuesday night, one document called kiss two houses on one lot. As you know, my best bosses used to tell me to follow kiss principles to keep it simple, Stewart. So that's what I try to include in my recommendations. Also, history going back to the 1950s. When my two sons were born more than 30 years ago, we lived on a lot with two houses on the site that had been built by their great grandparent.

[2:16:30 PM]

I want to look at embracing that again. But after watching yesterday's housing meeting, which most of you attended, I wanted to share with you a different perspective on enforcement, relating to the city's incentives and fundings, that's slightly different than what the staff told you yesterday. When I was a city employee, it was part of teams that gave applicants who promised affordable housing, but didn't deliver a chance to cure deficiencies or face default and sale of their property. And I think that's what the staff discussed with you yesterday. Some not for profits deeded the property that we had helped them to acquire back to the city so that another organization could deliver on the housing affordable care act goals and other not for profits sold the property and repaid the city for its investment. So we actually took their property away from them or forced them to give it up. I think we need to go back to that in some cases. When fees were waived and contractual obligations were not met, I and my team collected more than half a million dollars in smart housing fee waivers before I left city employment in

2008. Our team stopped further fee waivers for those who weren't complying. In addition, we let non-complying owners know we could hold utilities on vacant units or partially revoke their certificates of occupancy that had already been issued. I think those are viable tools. We need to explore them. But most important, we follow the kiss principle in the way we provided information to for profit and not for profit organizations, potentially interested in Austin's smart housing goals. Here's how we -- I've included in your backup the smart housing policy resource guide from 2008 and a couple of pages on visitability and zoning and drainage requirements. We did that because smart housing was not just the opposite of dumb, it actually stood for safe mixed income accessible reasonably priced green building. You can read the rest of my comments.

[2:18:31 PM]

I'm more than happy to visit with you on this issue and if it's appropriate to comment after the staff briefing on smart housing. Thank you for your time tote.

>> Casar: Thank you. Last we have Mr. Krevoniak.

>> Yes. Thank you, councilmembers. My name is Rick crevoniak and I'm speaking you today as a citizen and not as a member of the Robert Mueller implementation plan advisory commission even though I'm on that. As a citizen who's been advised with Mueller issues for over 40 years at this point, in one way or another, and primarily what I wanted to speak to you about today is that I would encourage the council to review information that has been sent to you from the commission, the Miller commission, and that I would hope this group, this committee, the open space committee around the housing committee would also have presentations made to them regarding Miller, either from the Miller commission or from city staff, just sort of a basic Miller 101, for the -- most of the new councilmembers who are probably not that familiar with what is actually the largest joint venture project that the city of Austin has ever done. So I would like that to happen sooner rather than later. I would leave that up to you when you can get around to that, but I think it's critical. I know that there's a resolution coming up, I think next week, regarding appointments to the Miller commission, and it sounds like a good one to me, so I think that's great that that's out there. Other than that, I would -- I will finish and answer any questions if you have them.

>> Casar: Thanks a lot. Is there anybody else that signed up to speak on an item but prefers to speak during citizen communication because they are going to talk on an item that's not the item they signed up to speak on?

[2:20:33 PM]

Okay. Great. Well, then with that, we will move on to discussion and possible action on the mayor's referral concerning the codenext code advisory group membership. We do have a handful of citizens signed up to speak. First is David king.

>> Thank you, chair and vice chair and members of the committee. My name is David king and I live in the zilker neighborhood. You know, I'm just here to speak in support of the mayor's proposal here to expand the

[inaudible] Expand and broaden its representation in several different perspectives. One is that we have a better geographic representation so all parts of our city are well represented on the code advisory group. I'll try to not to use any acronyms. Councilmember Hughes Houston is not here so I'll try to avoid acronyms anyway. But also to look at diversity in other ways not just the folks that have necessarily interest in changing -- in the land development code directly through their profession, but just regular citizens who will be directly impacted by changes in the code itself. So I think we need to look at just regular citizens being part of this -- the kag, code advisory group, and also to look at representation from

stakeholder groups that represent a broad range of neighborhoods, and that would be the Austin neighborhoods council. And that council has been around for many years and represent over 80 neighborhoods throughout this city. And so I think it would be important that we consider appointing a representative from the A & C to be a voice on that committee.

[2:22:42 PM]

I think that would be very important. And, in fact, the ANC, Austin neighborhoods council, is designated as a key stakeholder group in the contract with Opticos so I hope you will look at expanding the CAG and more from the environmental and water perspective on the committee, you know to look at those issues and to make an integral part of our code. The green infrastructure work group is important as a part of the code advisory group, work but it shouldn't be a separate process going on, it should be an integral part so we should have a representative for water and the environment directly on the CAG that can speak to those interests and ensure that those are integral part of the new code. Thank you for link to my comments today and thank you for your service to the community.

>> Casar: Thank you, Mr. King. Next we have Margaret Robinson. Thank you and you have three minutes.

>> Thank you. I appreciate the opportunity to address this committee this afternoon. My name is Margaret Robinson. I am a member of the American society of landscape architects, and we are a professional group that's both national, state, and local, that strongly supports green infrastructure and sustainable water management. I have served as the Texas state president in 2011-2012. We have over 130 members in the local section, and we're part of a landscape and irrigation industry that provides over 20,000 jobs in our area. I'm here today to support the expanding of the CAG to include an environmental position which has been lacking on the Codenext advisory group. I'm also here to support Eleanor McKinney who is the current chair of the also committee, as an environmental representative on the advisory group.

[2:24:50 PM]

She's currently in Dallas at a CNU national conference. With 40 members in all districts all over Austin, she would be able to bring a broad perspective to both citywide and district issues relevant to Codenext, and she has been attending all of the CAG meetings and green infrastructure working group meetings and is able to step up immediately with the working knowledge of the process. I thank you for your attention.

>> Casar: Thank you so much. Next we have Roger Khan.

>> Thank you, councilmembers. Thank you, mayor pro tem. I'm here to talk about neighborhood representation. I'd like to echo the remarks, the earlier remarks of my friend David King that some ordinary citizen, ordinary neighborhood representation would be good on the CAG. Now, I should note, though, the CAG is comprised fully of people who live in neighborhoods and, therefore, represent neighborhoods. And I'd like to see if there's anybody in the audience who does not live in a neighborhood. We have two that say they don't live in a neighborhood. So when we talk about neighborhood representation, I think it's important to keep in mind that there are a lot -- there are a lot of diverse voices there, some of which -- some of whom are not being heard on the CAG right now, such as renters, such as students, such as many of the millennial population that is seeking to live in our neighborhoods, and in many cases, our new residents in our neighborhoods, and don't have as much of a voice. So that's -- so I urge you as you look at expanding the CAG. It's not that we need more representation, it's that we need different neighborhood representation.

[2:26:52 PM]

Thank you.

>> Casar: Thank you. We also have patty sprinkle. You knew I was going to say your name.

>> Hi. Thank you very much for the opportunity to speak to you today, and I'd just like to say that, yes, we all live in neighborhoods, and my neighborhood association, which is Galindo neighborhood association, is comprised of renters, homeowners, it's very diverse. So I would urge you today to add more people to this committee. We need to have broader representation. We need more diversity. We need a lot more input than we're getting now. This process needs to be reexamined a little bit so that we can have the best possible product at the end of the day, which is a code that works for everybody in the city, not just development interests. That's why I'm here today. That's why I'm speaking to you, because I really want you to understand that it's -- it's not just for a small group of people, it's for everybody who lives in Austin now. So thank you for your time.

>> Casar: Thank you. We also have Daniel and Mary is passing. Daniel, your the last word on this item.

>> Really? Thank you for letting me speak. I'm Daniel Yanez. Our neighborhood association belongs to the Austin neighborhoods council. The last time that you all met, I was so happy to hear all the conversations I was hearing, and the members from the -- from the cag who were here present. And so there was talk about, of course, expanding this, and I just had to leave, so I'm glad that I can say this again to you today. Absolutely we need to expand this, and from the Austin neighborhoods council I would recommend Mary, inc.al and brad Rockwell.

[2:28:55 PM]

Those names were brought up last time, also ed Windler. I think those people would be terrific. We have more renters in Austin than we do homeowners. It's very important to have somebody who has some sense of that. And I'm recommending someone, and I won't say who because I don't know, but someone from the be perfect because they deal with rent issues and landlord issues all the time so they could bring that perspective. Of course, since, councilmember, Casar, you talked about populations that are not as represented sometimes at city hall, I would recommend someone from [inaudible] And leave that up to boder to decide. Those three individuals, Mary Engel, brad Rockwell, someone from the Austin tenants council, I'm sure someone would be, and someone from boder, and that's a hint to you, Mr. Renteria. Thank you so much.

>> Casar: Thank you all. That's all the speakers we have signed up. Before we have a discussion, there was one fact brought up today by Ms. Engel, even though you didn't want to talk, is it okay if I ask you one quick question? Or we can ask someone else. It just has to do with we got information last council meeting we were missing somebody from districts 2, 3, 4, and 7, but since then, in a conversation with you, you let me know that Beverly Silas is our only one from district 1, that is intending to step down?

>> That was announced at the last cag meeting in April, then also district 6, Steven oliver, who was on the planning commission, lived in district 6, and he moved recently south, so he doesn't live in district 6 anymore. So district 6 is lacking representation as well. So that's six members.

>> Casar: I see Mr. Grungy behind you.

[2:30:58 PM]

Do you want to corroborate?

>> We had a little poll, and all of the existing cag members, including Beverly, would like to remain.

>> This was announced at the cag meeting, so --

>> Right. Right. So this is a recent development that occurred.

>> Casar: So your poll was prior to the last cag meeting when Ms. Silas to resign, or was it afterward?  
>> It was after. And so Beverly would like to remind on the cag.  
>> Casar: So -- oh, no, that's okay. I was going to ask you first or second, you know, so I'm glad that we've got you both there. So I just wanted us to have the most up to date information. So it seems like the most up-to-date information, we're missing -- Mr. Grungy, when did your poll, that means -- was that after Mr. Oliver had moved from district 6 to whichever southern district he's in?  
>> I'm not sure, to be honest with you, I just know that he is one that --  
>> Casar: We can handle it, I'm sure.  
>> Okay.  
>> Casar: We don't have ability to take final action here, so I'm sure we can come up with a creative way of wording our recommendation if we have one to take into consideration whether or not somebody lives in district 6.  
>> But are they --  
>> Casar: So the information we have, then we can start discussion from that point, is that we do not have a resident from district 2, 3, 4, or 7 on the cag, and that there is some information that our resident from district 6 may no longer be a resident of district 6. So, anyway, any discussion on the item? As chair, I definitely want to allow the members to kick off the discussion and make whatever suggestions. I have thought about this in the intervening month or three weeks since our last committee meeting, so I could also sort of lay out a template for what I'm thinking, but I'm happy to hear y'all's thoughts first.  
>> And so the member that has moved moved to which district?

[2:33:04 PM]

>> Casar: We aren't sure, and so I think that we want to -- that is still a question that is pending. I would go behind the dais and text, but right now I've got to chair the meeting.  
>> Gallo: And so they moved from which district? Quarter right now Ms. Engel believes Mr. Oliver moved from district 6 to somewhere south of the river.  
>> Gallo: Okay. Great. Thank you.  
>> Renteria: My biggest concern is that, you know, we have such a huge population that we're in, and according to my information, is that we don't have any renters on the cag, so my recommendation is that we should start looking at least putting two of the members, should be renters.  
>> Casar: Thank you. Point well taken. Any other comments from members or recommendations? Or if you'd like, I can put an idea -- mayor pro tem?  
>> Tovo: Yeah, I think that's an important goal of having some representation from renters. We've also heard interest in seeing the other -- seeing representation from some of the districts where we don't have it, and I think we've also heard a compelling argument made to have representation from the Austin neighborhoods council and from the environmental community and also from the landscape -- the field of landscape architecture. And so I would like to see us try to identify -- I guess I would frame it -- I would frame a motion that we try to -- that we recommend to the full council that we -- well, let me think about this.  
>> Casar: If you'd like to make a motion I'll happily second it for discussion, then we can play with it.  
>> Tovo: We don't have individuals but I would like to see representation from the neighborhoods council, the environmental community and landscape architecture field, and I would like those to be from one of the districts that's not represented, and at least two of the three be renters.

[2:35:13 PM]

Does that -- and that incorporates councilmember Renteria's perspective as well.

>> Gallo: That sounds like an interesting spreadsheet.

>> Casar: Will you restate that quickly and I'll second it and we can discuss it. If you can say it one more time so I can confirm you really know what you --

>> Tovo: As objectives, the general category would be a representative identified by the neighborhoods council, an environmentalist, who I think we would need to identify, and then an individual from the field of landscape architecture. I agree that it would be great to have a stronger connection with that field.

>> Casar: The environmentalist being separate than the green infrastructure landscape architect?

>> Tovo: Yes. And that the individuals be considered from one of the districts currently not represented, and that we have as a goal to identify at least -- at least one renter among those three.

>> Casar: At least one renter among three maximum new appointments, and the goal will be that those three appointments come from -- as many of them possible come from districts not represented.

>> Tovo: Yes.

>> Gallo: And may I kind of -- can I follow up on that?

>> Casar: Well, I would happily take a second or it would die with lack of a second, but I think I would also happily make a second if you wouldn't so we can at least discuss the recommendation on the floor. I don't think I'm ready to support it the way it stands now but if we take a second --

>> Gallo: Okay. I'll take a second, also wanting to tweak it a little bit.

>> Casar: Great. You've seconded Ms. Tovo's motion. Let me know what you think.

>> Gallo: Okay. So trying to keep the process as simple as possible would be part of my goal also, and looking at the current procedure, or the current membership and appointments, there were six, plus then four appointed by the city manager, and what I would suggest is we move to ten, which would give each council district an appointment, plus the additional four, but I would suggest that we divide that four up into two from the mayor's office and two from the city manager's office, and that those -- those four could be our safety net if the appointments from the districts don't meet the criteria that mayor pro tem tovo mentioned.

[2:37:51 PM]

>> Casar: And you would recommend that for the cag after its expiration in September or the cag as of now?

>> Gallo: As of now and also for September renewal.

>> Casar: So as of now, we would -- the issue is that as of now, the appointees are from at large places and not from districts so there's not a clear correlation of who would be replaced by whom? That's a challenge we face in current boards and commissions as well.

>> So we have four that we know --

>> Casar: We know that there are four districts, districts 2, 3, 4, and 7, that do not have -- that there's not a cag member that resides in one of those four districts. However, none of the current cag members were appointed or nominated by a district councilmember, they were appointed by councilmembers that represented the whole city.

>> Gallo: Uh-huh.

>> Casar: So that would certainly take some legal -- we have to get pretty creative to be able to say that now the cag member, for example, that lives in district 9 would be replaced by the council member representing district 9. We could handle that, but --

>> Gallo: So maybe for the time being, what we say is, if we increase the council appointments to 10 from 6, that gives us four spots, and that we allow the councilmembers that do not currently have anyone representing their district to make those appointments. And then once we get to September, then we can do the adjustments for the mayor and the city manager to help fill those spots.

>> Casar: Yeah, and to clarify one point, you said that the existing cag is 6 and 4, but actually the existing cag is 7 for the six former places on council, and a seventh from the mayor's, plus four from the city manager's. So there's eleven people on the cag.

>> Gallo: So seven plus four.

>> Casar: My guess is they included those four from the city manager's office, setting up sort of a system so there would be eleven for the incoming council, and then the resolution states the city manager's task was to fill some of the diversity gaps if there were some.

[2:40:03 PM]

But it seems to me that even with 11 members, because this is such a large task, we still wind up with some diversity gaps even with the city manager's honest attempts to fill some of those with those four. So -- but is that a -- have you suggested an amendment that we would, instead of appointing three people, instead, appoint four people that understand this they be from each of the district councilmembers that are missing?

>> Gallo: Uh-huh.

>> Casar: I'm going to recognize mayor pro tem tovo and then councilmember Renteria.

>> Tovo: To me, I understand the -- I think I understand the intent of doing that, but it would -- it would change the shape of how those current appointees are there. You know, there are appointees, as chair Casar has said, there are appointees, not as our representatives of those districts, they've served on there for a long time, so to me, to start making a point -- to have four councilmembers appointing from their district and then the rest of us assuming -- assuming the appointments of those who are already serving who we had no role in selecting is a little bit odd. It's a little bit -- it mixes the processes in ways that are uncomfortable to me. I would say we consider these as two separate processes, that we decide today whether or not we want to make a short-term increase -- whether -- as a short-term decision, whether we want to make an increase to that committee, and if so, in which areas and through what method, or we agree to deal with the composition of it after September and either extend the term of the group or make all of those district appointments.

[2:42:03 PM]

You know, there's a lot of value of having the current people continue to serve, but if we're making it a system where we're -- we are suddenly -- you know, the person from district 9 is going to be my appointment, then I think what we'll find is across the council, we may have people being slapped out for different appointments, and that's going to create a level of chaos. So I guess I would say I would recommend that we try to take them as two separate things, either we do a short-term increase and then evaluate what we want to do in September, or we give it some thought about how we want to compose that board after their expiration period.

>> Gallo: Is to the -- you know, I think some of the issues arose, frankly, because we had four appointments coming from the city manager. I think that caused concerns in the community, and I would prefer that we handle it differently next time, and that we not have -- we not have the city manager making appointments to that board, and that each councilmember and the mayor have one appointment..

>> Casar: Before I recognize you for comments, councilmember Renteria, councilmember pool has joined us, I didn't notice when you slipped in so I wanted to see if you needed an update on motions and amendments and such or if you feel like you're caught up.

>> Pool: Sure. That would be great, just a real quick retap.

>> Casar: Certainly. My understanding is the mayor pro tem made a movement towards us expanding

the cag by three for one member from the Austin neighborhoods council, one member with an environmental focus and a separate member with green infrastructure landscape architecture focus, and that our goal be that a minimum of one of them be a renter, but perhaps two, and that we also -- or all three of them could be, yeah, and that the goal also be that we try to get those members to come from districts that are currently not represented, and right now districts 2, 3, 4, and 7 do not have members on the cag, and there is the possibility that district 6 no longer has someone living in that district because Mary Engels that Steven oliver has moved from district 6 to south of the river.

[2:44:25 PM]

So from that motion, we had an amendment from councilmember Gallo that we ask the councilmembers from 2, 3, 4, and 7, and possibly district 6, if they indeed do not have a person living in their district on the cag, that those councilmembers be asked to nominate someone, and then they would be appointed by the majority of the city council like our other board and commission appointments that are going to be coming up after the summer. Does that seem like a fair characterization of both of your motion and your amendment?

>> Uh-huh.

>> A quick question on that, using Steven oliver just as an example, he had lived in 6 but he's moved out, and if 6 were to appoint and chose to appoint Mr. Oliver, would that -- would that be possible?

>> Casar: That was -- that was councilmember Gallo's amendment, so I'll let her thanks question.

>> Gallo: You know, I think what we're trying to do is kind of mirror the process that the previous council put in place for us to be able to make appointments by district, and there's not any restriction that your appointment has to be from that district, so I think that we would want -- we would not want to make it any more complicated than it is already.

>> Casar: And one piece of clarifying language before I continue to keep councilmember Renteria from speaking, is that we do not make, at least under this amendment, my understanding is we do not make appointments, we make nominations, and the appointments are made by a majority vote of the council. So there's just a language difference there that I think is what you intend, councilmember Gallo, that you nominate as a councilmember, but you could not appoint them, council would still have to vote. So councilmember Renteria.

>> Renteria: Yes. Thank you. I kind of have a concern there because, you know, once we amend this, the present resolution, the new three people that are going to be selected, they're just going to serve one month and that's going to be it, because we're going to go back and select eleven representatives to start serving in July.

[2:46:40 PM]

>> Casar: No, the cag is different from the other boards and commissions.

>> Renteria: Well, I'm going to -- okay, so if I was to appoint the one I want from my district, it's just going to be -- who is this person replacing?

>> Casar: Certainly. So my understanding of the -- of the amendment on the floor, which is what I think you're referring to, is, you -- this appointment would last through September because the cag, unlike the other boards and commissions, is not set to expire at the end of June, it's set to expire at the end of September or beginning of September? Sometime in September.

>> Renteria: Yeah. I get an appointment selection from district 3 --

>> Casar: So under the amendment from councilmember Gallo, my understanding is you could nominate someone as a councilmember from district 3, they could live in district 3 or not. That nomination would be subject to the majority of council, and that addition would be just an add-on, and then the cag would

still expire in September, and I think it's still up to this committee to decide whether we want to extend the life of the cag and how those appointments would go because that process is not laid out in the board and commission transitions.

>> Renteria: So we're actually adding --

>> Casar: I just received a friendly note that Steven oliver still lives in district 6. But then, regardless, I think that we are nimble enough on the dais that we can just -- we don't have to call out specific districts or specific people in any recommendation we make. I would recommend city council against that.

>> Renteria: So we're basically just increasing the cag by four.

>> Casar: So, yes. Mayor pro tem tovo's original motion is to expand the cag by three, through September. Councilmember Gallo's amendment is to expand the cag through four by September, but nobody yet has touched how the cag -- whether the cag expires -- continues to expire in September or would spend its life or how those appointments would work.

[2:48:45 PM]

I'm honestly kind of interested in us touching base on that also in this discussion so we just don't have to have it again later. So, anyway, do you have any further comments? Sorry.

>> Renteria: Yeah. Because I'm trying to figure this out, too. There's four districts out there that doesn't have a representative in their district, so we're basically going to vote -- I hear three. Are we voting to increase the cag by four?

>> Casar: So the mayor pro tem's motion is to increase it by three. The appointments, in my understanding, would just -- would be -- in her motion would be specifically somebody from the neighborhoods council, and environmentalist, and landscape architect. And councilmember Gallo's amendment to that motion is that a person would be nominated by the councilmembers from districts -- from the districts that are not included, or the districts that currently have no one residing in their district tat's on the cag.

>> Renteria: Okay. I can't support Kathie tovo's --

>> Tovo: Well, chair, if I may, I'd be happy to increase that. I mean, I think one point of agreement that we could certainly reach is just to expand it by four, so that every district is represented in these months ahead. And perhaps, you know, one of the other concerns that we've heard is to have an economist or someone representing local business there as well, and we could add that as a fourth area, and one way to go about this would be to have the neighborhoods council suggest their representative. We could have the environmental commission suggest a representative, or a series of representatives, and kind of move it forward that way. This is a very complicated discussion, as you pointed out. We have a much bigger discussion to have, too, and that is what happens after September. Are we going to extend the life of the group that we currently have, or are we disbanding it and reassembling it with an appointment from each councilmember, so it's -- this is a -- I understand this is a very -- this is on our agenda to discuss, we're discussing it, but there are obviously other related issues.

[2:50:59 PM]

>> Casar: Welcome to the open meetings act. You know? Lots of sausage making and interesting discussion here. Councilmember pool, I hate to -- so -- okay. So mayor pro tem amends her to four appointees, but those four appointees would be local business or economists, environmentalists and landscape architect, not the four -- or not the unrepresented residents district councilmembers making nominations.

>> Tovo: But, from those unrepresented districts.

>> Casar: From those districts.

>> Tovo: And representation from renters. So --

>> Casar: I got it.

>> Tovo: They're overlaid.

>> Casar: Councilmember pool, do you have anything you wish to add? Because I was going to try to sum up what I've heard and see if we can come to some agreement between the two motions here. Okay. I will go ahead and do that then. So it seems to me that we do have some gaps, and no matter what we'll have gaps. So what I've heard after the last couple of hearings is that environmentalists or somebody that has familiarity with green building and green infrastructure, landscape architecture, renters or renters' advocates, I think that Mr. Yanez made a good point, whether you're a renter or advocate for renters, I think that that either is fine. You know, somebody from the Austin tenants council that happens to have purchased their home does not necessarily to me mean that they are a better or worse advocate for renters, but somebody be that really is advocating from that perspective. Perhaps not. Right? But, you know, I think that that is an interesting point, a renter or renter advocate. Small business, independent business, doing broader community outreach. We didn't bring up as much today, but really I think Ms. Demayo emphasized that it's important to reach out to the community, let them know this is going on, it's not a dry, unimportant topic, but rather a critically important policy decision that's going on.

[2:53:16 PM]

And then also we haven't brought up today what I felt was a very important point brought up by Jim Duncan, which is some real advocates that are looking at the economic impact, gentrification, and displacement within our cities, the geographic challenges that we have in economic segregation. So in my view, for us to at least cover some of these bases and some of the geographic -- the lack of geographic diversity of the members of the cag, we may need four or more. But at the same time, I think that if we're trying to get something like this done between now and September, which it sounds like on the cag end, in the community, there's some will to do, if we ask the environmental board to nominate someone and we have to come back next month and try to get together some names, by the time the council discusses it and tries to pass something, we may be nearing the July break, then they're there for August and some part of September before they're gone. So I don't like doing things for expediency sake, but it does seem to me that councilmember Gallo's suggestion that councilmembers make a nomination, and then the council can still vet that as a majority of the council, provide some safeguard toward that nomination not being -- it being a little bit more fair in meeting some of our goals, and we could then ostensibly get some people added to the cag by the next council meeting or the council meeting after that because by the time we have the next planning and neighborhoods committee meeting, then if we have some disagreement about who should be added, we might be in August. And honestly, I really want to hear about the saca report and density program and all these things we have to spend our time doing. I'd rather spend more time talking about codenext than us really trying to sort through exactly who we should appoint. That's why in the boards and commissions appointment process, we have it set up, there's some waying like having one council member use their best judgment, nominate a person, then the rest is vetted.

[2:55:23 PM]

So I wonder if we could consider having the district councilmembers who have no residents on the cag, nominate someone, and then have the -- give perhaps the mayor the opportunity to nominate a person or two as well, in the best attempt to fill as many of the gaps that we have identified and make that recommendation to the council. We've laid out the list of those gaps. We would certainly, as a majority

of the council, do our best to push the councilmembers that do have the opportunity to nominate somebody that the person they nominate try to fill at least two or three of those gaps, the geographic issues, then also hopefully perhaps a renter that also, you know, cares about the environment? I think we could cover three gaps that way, but instead of us having continued debates about who that person is up here, which is always trying, that we let each councilmember dig into their districts and find a person that hopefully meets at least one or two of these qualifications, and then perhaps give the mayor the authority for one or maximum two other people, if after we've made our set of those four appointments, we still find ourselves wanting on the -- on the gaps. Any thoughts?

>> Gallo: You know, I would just say that part of my reasoning for doing this is we have three people sitting right here who are not represented, and I understand your concern about there may be people that actually live in your district, but that may or may not be people that you would select. But it just seems like as we've talked about expanding the representation of our boards and commissions to all of Austin and representing all the different geographic areas, that this just makes sense, certainly as a place holder, until we get to the discussion of what we're going to do in September. And it just -- it gives councilmembers the opportunity, when they hear from their constituents who are concerned about not having voices on boards and commissions, it gives them the opportunity to have a voice on this really important task force.

[2:57:31 PM]

And I'm -- you know, I really think I would defer to the three of you, who currently don't have someone that lives in your district that's serving on it. I mean, I'm really lucky at this point in district 10 to have two great people that are serving that actually live in district 10. So, you know, I'd really defer to what the three of you feel like is the appropriate solution to this.

>> Casar: And to address your concern, mayor pro tem, about reconfiguring the relationships such that, say, the appointments from district 5 is now tied to councilmember kitchen, I would think that we should make sure in our recommendation that that not be the case because the person from district 5 was appointed by -- by you. And I'm not sure who that is, but I'm sure they're great. And so I think that this would just be an expansion of this group between now and September because we've heard how important it is, and it may not be the ideal way of expanding it, but considering our timeline, it seems like the cleanest and most simple way that I could -- that I've been able to think of, and councilmember Gallo seemed to come to similar conclusions as well. For a specific councilmember to make a nomination, and then we direct them to try to fill as many of these gaps as possible. The only addition I would make then to councilmember Gallo's idea is that we authorize the mayor to have up to two more appointments in case -- you know, just in case we still see some of these gaps existing. I'd like to hear some feedback on it. I'm not at all stuck to that. But the mayor is someone who we can't -- you know, for example, if you know a very good landscape architect or environmentalist or what have you, each of us without breaking quorum could easily have a discussion with the mayor about a specific appointee if that gap is still competition.

[2:59:36 PM]

It just seems like an easier point person than perhaps the city manager appointment so I'd love to hear your thoughts.

>> Tovo: Sure. I just think as a general practice, you know, again, what we're setting in place has got to extend into the future, and there's -- I think that our board should be set up so that every -- every person on the dais has one appointment or the same number of appointments, and so I would say if that's added in, I would support it at one, as a representative of one. I think if we're -- if we're looking to

fill in gaps, then I think I would prefer those be done by a committee, as we are with the open space. There are three appointments that are going to be done -- you know, every councilmember and the mayor did one appointment to the special events task force, or parkland task force, and then the committee -- there are some gaps that the committee is going to look to fill together so that it's a collective decision. So that's always my preference, that every -- that we not have a situation where the mayor or any one other person on the dais has multiple appointments to make for a particular committee.

>> Casar: But just to clarify your concern -- to clarify your concern, that is multiple appointments after September? Just because right now there -- it would be the first set of appointments. And councilmember pool, I'm going to get to you. I just want to make sure I understand your concern.

>> Tovo: For the short-term and the longer term.

>> Casar: In the short term, I believe that councilmember Gallo's idea would result in some people getting one appointment and several others having none.

>> Tovo: I agree, and that was my concern in the beginning, but it seems clear that we've got three folks up here who are supportive of that, it sounds like, so, you know, that's -- that's the way we make decisions around here. You had asked me to comment on the proposal to give the mayor one or two appointments, and I'm saying I would be comfortable with one. As a general practice, I think we should - that's the way we should compose those committees, generally.

[3:01:39 PM]

>> Casar: Great. Councilmember pool?

>> Pool: First I just wanted to thank you all for welcoming here because I'm not a voting member of the committee. I do appreciate the opportunity, though. I think it is -- it will continue to be a little bit messy as we align the way we used to do things with the way we're now doing things, so I guess this is really a perfect example of where it's a little messier than what we might prefer. And from what I might say is that had not anticipated that I would be appointing someone to the codenext advisory group, and if I will be, I'm absolutely open of anybody from the dais suggesting a really good person that I should consider. And I have done the same with other folks, recommended, for instance, if I had two people that I'd like to nominate to a commission but I could only do one, I would say, well, maybe talk to councilmember Casar, or the mayor, you know, that kind of thing. So I'm comfortable with that. And I think however the four of you move forward on it will be great.

>> Casar: I think you put it best, councilmember pool, that I don't think that the ideal way is the way that -- that -- I think it looks like we're going, but it is the ideal way based on the timeline for me of September and how much work this committee has to get done on lots of other issues, and so we'll see what the rest of the council thinks because we have to get a majority vote on the council on any of our recommendations, but I hope that they'll bending of the fact that, in my view, the reason that I would vote to have the councilmembers from those districts make their nominations is so that we can get on to doing other work and that the council still has a good back stop with the majority of the council still having to approve the nominations, and we can hopefully trust the good judgment of each of those councilmembers to do their best to fill some of these gaps.

[3:04:03 PM]

So in that case, hearing your sort of amendment to my amendment to councilmember Gallo's amendment, my understanding would be that we would allow the councilmembers one nomination to be appointed by the majority of the council. For those councilmembers that do not have a resident of their district currently on the cag, which, from my understanding, is currently districts 2, 3, 4, and 7, but

we won't list that in the recommendation, it will just be whoever doesn't at the time. And that will be a one-time thing. So as of today, let's say just in case somebody decides to move on this tomorrow, as of today, and we would also allow one appointment for the mayor's office to try to -- and we will list in our recommendation that we have heard of gaps in the environmental and green infrastructure community, renters, or their advocates, small and independent businesses, those that can provide a breadth of community outreach, and those with an eye towards the economic aspects of the code rewrite, especially with regard to affordability, gentrification, economic segregation, and I think the Austin neighborhood council has made a very good pitch to -- why they touch a huge number of neighborhood associations and folks in the community, so I sort of hope to -- to have that covered with the idea of people that can do broad amounts of community outreach into lots of neighborhoods all over our city. So I think that that's a motion.

>> Tovo: Let me ask you for clarification. Are you suggesting that the Austin neighborhoods council drop out and be replaced by that broad language? Because that was kind of a key component to my -- to my motion.

>> Casar: Certainly. You know, I think that it's an honest thing to write in, that the Austin neighborhoods council does not have one of their officers on the cag, and so that is honestly a gap, and so we could -- we could clearly mention that.

[3:06:08 PM]

I don't think that my motion is to direct that all of the gaps be filled, it's just to describe some of the gaps that have been mentioned to us by the community. So I have no problem with listing that as a gap that the community has mentioned would like to see filled. Just because I think even with four or five appointments, we're probably not going to be able to fill every gap, and so I wouldn't want -- this motion is not to direct that we have to fill every single gap because we may not -- we may not be able to, but with the goal of filling gaps, and then these are some gaps that we have heard described to us from the community.

>> Tovo: Okay. So this has become your motion?

>> Casar: I'm happy for it to be my motion.

>> Tovo: Because it's not sort of the direction I started out at.

>> Casar: Is that all right? So we will include that we heard from the Austin neighborhoods council, that there is -- that their officers are not represented and that they've been listed as a key stakeholder in the contract with optics. But again to clarify, we are not directing our recommendation -- or this recommendation would not say that you have to -- that every councilmember has to fill these gaps, we're just describing the gaps that we've heard. And at that point it's kind of up to them to do their best to fill them.

>> Tovo: If I may comment on that, you know, the point, though, was that they were trying to fill gaps in expertise and content, and so now we're moving it where the focus is mostly about geographic representation, which, while important, again, we've already acknowledged that in this short term, we are not as district representatives select -- some are and some won't be. So I guess I would ask -- I thought the focus was to fill the gaps, and that that was the priority that we were overlaying the gaps with the districts. Now the gaps themselves seem to be falling into importance.

>> Casar: Absolutely, the idea being --

>> Tovo: I'll just say that concerns me. For one thing, the issue came to us from the Austin neighborhoods council that they thought there needed to be a stork representation on there in that broad connection to the neighborhood association, so again, I -- you know, acknowledging the discussion that's come forward and where people have expressed their preferences, we'll move forward with yours, but I'm just expressing that that's a concern, that shift concerns me.

[3:08:35 PM]

>> Casar: Certainly. And I do not want to -- I want to emphasize the gaps as gaps in expertise and background, not necessarily in geography, but at least councilmembers that have been elected by a specific set of geographic voters could try their best to fill that expertise. So I'm not emphasizing that people are missing from these districts, but because they're missing from those districts, we'll let those councilmembers make the nominations, and they may very well not make nominations of people from their own district. For example, if Mandy Demayo was not already on the cag, I, coming from district 4, I think she would do a great job, looking out for district 4, even though she does not reside there. Once again, I do not think this motion says that come September, once the cag expires, that is your appointee and you're stuck with them. Do we want before we take a vote on this, do we want to talk at all about what the cag will look like in September? I know that we're -- we've talked about this at some length, but if we don't talk about it now then we've got to get it on another agenda and we've got to remind ourselves of how this conversation went. So I'm okay with touching base about it.

>> Gallo: Would you mind if we complete this process and maybe restate your motion again so we can vote on this interim period? And then, yes, I would love -- I think it would be appropriate.

>> Casar: And we can talk about it under the same agenda item? My motion is that we allow the councilmembers from the district, that as of today do not have somebody on the cag that resides in their district, to make nominations subject to approval by the full council to expand the cag, and also give the same courtesy to the mayor for one appointment, with an eye towards filling the gaps and expertise and background as have been brought up to us by the community, which are folks from the environmental and green building and landscape/heart attack at your communities, renters and renters' advocates, the small business community, those with ability to do outreach to large sectors of the community, the Austin neighborhood councils' officers, the economic -- those with an eye towards the economic impacts of the code rewrite, especially with regard to gentrification and economic segregation/integration in our communities.

[3:10:59 PM]

And then have to do their best -- by they, I guess I'm including -- we will do our best. All right. Can I --

>> Do you need a second? Councilmember Gallo seconds it. All those in favor, raise your hand. It passes unanimously on the dais. And let's have a brief discussion on what to do with the cag in September. You'll get to talk about it first, and if you really don't want to talk about it, then I can post it for another agenda.

>> Gallo: I'm thinking as I'm talking here. So I would encourage that we have the same ability for councilmembers -- each councilmember to make an appointment, and this is talking about the process from September on. And one of the questions, too, that we talked about before was just to make sure that all of the current members were really, truly interested in serving another period of time because, in their minds, I think a lot of them may have taken on this responsibility thinking that it was going to be over in September. So I think very shortly we probably need to have that discussion with those members just to make sure they would be interested in staying. But I do think, to me, it's similar to the current board and commissions, where as we get to the first of July and they reset, that the individual councilmembers from the different districts may or may not appoint the person that is currently on, that is from their district. And I think that this may be the same situation. But I do like giving each councilmember the ability to appoint someone on the cag because I do think that gives us the geographic representation, and hopefully gives us the representation for all the different areas of focus in the gaps that we're seeing. So that would be my suggestion, and then how you want to add any

additional appointments and from who -- from whom you add those, I'm not as -- I mean, I think that's important and I don't have as much of an opinion about that as I do having each council person and the mayor, so I think you would have to add the mayor's office in there, so there would be eleven appointments from each of the district offices, plus the mayor's office.

[3:13:24 PM]

>> Casar: Any other thoughts?

>> Renteria: And I agree with councilmember Gallo. You know, this whole resolution wasn't meant just for one part of the city. You know, we're going into a major rewrite of the code, and it's going to affect the whole city. And, you know, we can see what districts have been left out, you know? And it's kind of insulting to me to think that, you know, -- to think that we don't have the talent or expertise in our districts, which we do. You know? And so, you know, we -- we need to really just be inclusive to all the districts, not just be concentrated -- and not just concentrate on a few people that have the ability to come to the city council meetings during the day, while most of the majority of austinites are out there working. You know? So, you know, I got elected to be my representative from my district, and there's a lot of talented people in my district that live there. And I can find some very good people to represent our area because they live there. You know? And, you know, we also have to include the renters. We have people that are being displaced that have rented there for the last 45 years, in my neighborhood, and some of those people have lived there so long, I thought they were homeowners until they got displaced. So, you know, I -- I ran on single member district because we wanted district representation, and that's what I'm for.

>> Casar: Mayor pro tem?

>> Tovo: Well, I want to say that I think that we're all in agreement on that, that we're moving toward a committee that includes a representative from each area.

[3:15:24 PM]

I think we need to figure out what we're going to do with -- with the group that's already there. And so the question before us, as I see it -- and I'm not sure that we can even take action on it, but are we going to basically signal to that group that we are all going to be making appointments in September, and if so, you know, they need to start talking to their -- I mean, if they're interested in continuing, they need to start having the kind of discussion, as councilmember Gallo said, that we're having with our other boards and commissions, so that if they're interested in staying, they need to start reaching out to their -- the councilmember who represents that district. I wonder if -- you know, we may end up with a cag that is completely new, and so one thing we might consider is whether our committee should possibly recommend a couple of the existing ones. I mean, we can sort of see how that plays out. Do we want to have eleven appointed by each district, or do we want to have a couple extras who might include people who have carried over from the other? I'm not sure. I mean, I haven't thought about this yet, but I want to assure you I hope that none of my previous comments suggested that I don't believe we need a representative from each district. I was just saying we did have those other content areas, and I hope they can be overlaid.

>> Renteria: And, you know, it doesn't bother me at all if we was to increase the cag where we included other members because I think it would even be better because then we will have a group of eleven people there that have the experience that have been working for over a year now and increase it by the ten members or eleven districts, so that -- I don't see why we can't have a 22-member cag, you know?

[3:17:34 PM]

>> Casar: So since we aren't posted to take action on the future life of the cag, I quickly skimmed the mayor's committee agenda item referral, and I think it does give us enough leeway to talk about it, I think that what's either appropriate is for us to have that discussion at next possible action on that at the next committee meeting, or if we choose to, the four of us, or five of us, get together and put together a resolution that would accompany our recommendation, if we wanted to get this all discussed and done in one council meeting, I think that could also be helpful. I know that it is tricky, but I think -- I do see some benefit in this committee maybe putting together what those additional names would be because if we went -- if and when we do the expansion this month, then we will wind up with more than eleven members on the existing cag, and so for the cag to live on past September, we would probably want to leave ourselves open to a system where more than eleven people could be on it. And so if everybody just has one appointment, then that means necessarily at least five people, if our recommendation does pass at the council, would necessarily have to be dropped. So I'd like for everybody to consider -- and I know that this process wasn't fun, so I'm asking you to consider redoing something, that the cag expansion post September be one appointment from each councilmember and the mayor's office to eleven, and perhaps an additional five or six recommended from this committee to the full council to fill any gaps that exist. And that will give us the opportunity to keep the members ongoing through September and expand any further as necessary, and of course, you know, that would also open up the opportunity for somebody to be swapped out if that's the will of the majority of the council. But we can't take action on it today, I don't think, based on our posting language, so I think councilmember pool, was that you raising your hand?

[3:19:41 PM]

>> Pool: I just was mulling over in what ways, and it could be that I haven't been in all the conversations -- in what ways the codenext advisory group would be viewed differently from, for instance, water/wastewater. I think every commission benefits from having some of that constitutional knowledge of long-time members. So, if on the other hand, having new people come on board is also a really healthy thing for groups to have the dynamics shift as well, so were you all thinking to -- when you were saying adding to the existing by eleven would be a fairly large group of people, and it may be larger than -- I don't know, would that be larger than any other advisory group that -- okay. There are some that are that large? 22 people or so?

>> Casar: It's hard to beat the imagine Austin group, I think.

>> Pool: Okay. Good. So it's similar to that. So -- which makes sense, because there's so many moving parts, and there's so many areas of expertise and experience to cover.

>> Casar: Councilmember Gallo?

>> Gallo: Okay. So I think that it was appropriate for this committee to make a recommendation to the council to continue the process of what we need to do quickly, but my recommendation would be that the discussion of what happens to this task force in September be a full council discussion, and not actually be done at committee level, and then go to council. I just think that if we're talking about a system where we're looking at representation from all the council offices, I think all the councilmembers will want to be part of that discussion, anyway. So it seems to me like if we bring it -- if we bring the September policy recommendation, makeup recommendation back to us, I think we're going to have the exact same conversation at council, and perhaps the best thing to do is just to post that on the council agenda for discussion for the full council.

[3:21:59 PM]

And then everyone can --

>> Casar: Yeah. And, members, the reason why I think it's appropriate to discuss this briefly now is that the recommendation we just made does have implications for September. And I think those questions will be brought up at the full council level because I think the assumption is, in September, we either choose to keep it alive or not, and if we kept it alive, then we would all make one appointment, but then what happens to the other five people? So given that, I think -- my sense of this council is, if we brought it as an item for discussion, they'd say, well, why don't you have that discussion at the planning and neighborhoods committee. So my recommendation is this, we move on from this item, since we made a recommendation and responded to the mayor's timeline perfectly by -- beat it by two days, he wanted it by the first, and at the full council when we bring this recommendation forward, we mentioned we did have some discussion about the impact in September. During that discussion, I will voice what I think may be a good work through, which is to have the full council let our committee know, or some other committee, know what names they think would be good beyond the eleven for September. That way, if we so choose to make it a group that carries on as 16 or 15 people, that all of those people could continue to serve and potential we could fill any further gaps. I think, you know, while a 22-member committee sounds unwieldy right now, we voted to make it a 16-member one, and so what the right number is is tough to know, but I do think that, you know, this discussion was prolonged and sometimes tricky, but it's great that members of the community are so involved and care so much about this group that we're having this discussion. I mean, it just lends itself to how important to the whole codenext process is, and if we get a lot of people involved, it gets messy.

[3:23:59 PM]

That's democracy to me, so I'm okay with that. Councilmember Gallo.

>> Gallo: Can I just ask a number question? I'm looking at this page on the handout that we have, and it says that there's currently ten members on the cag?

>> Casar: Mr. Guernsey, can you help us out with that?

>> Gallo: I think as we're talking about Numbers, it would be helpful to talk about -- to know that we're ...

>> Right now I understand that there would be eleven members. If you look through -- eleven members are on the cag. There may have been one that did not respond, but I understand there are eleven. And there's a -- on your dais, there should be a little bio for each of them.

>> Is the original ordinance with the resolution one per council, so that was seven plus four from the city manager, so that was 11.

>> Casar: We won't call out who didn't fill out your dutiful. Currently 11, and with our recommendation, there would be an addition of four, if Steven oliver has not moved. Districts 2, 3, 4, and 7, plus the mayor, five, so that would bring it from 11 to 16. And if Steven oliver has moved, there would be the opportunity for one more, but I've received some information from folks that think he has not. So we will just find out.

>> Renteria: And the way I see it also is that that added person from my district, I feel like that I'm not going to gain another one, I'm just going to reappoint the person that I nominate from my district, so there will still be eleven that's there, or ten, or eleven, and then my representative, so it's not going to be an increase of another one from me, just going to be the same person from -- that added on six persons.

[3:26:28 PM]

That's the way I see it.

>> Casar: And my recommendation is that we take a vote on that in either our may or June meeting so that people have enough time to know what's going to happen in September, so exactly how to proceed with extending the life of the cag if we choose to recommend that. Mayor pro tem.

>> Tovo: So just to summarize, it sounds like there are at least three options. One would be in September, to have the existing -- councilmember Renteria, I think this is your suggestion -- to have the member stay on, which would be the 11 plus the 4, then have each councilmember -- no, I'm sorry, there would be eleven, plus --

>> Renteria: The one I -- each member --

>> Tovo: Okay of the I don't understand about the Numbers now. So you were suggesting the group before stay on, your proposal was a little different, it was maybe eleven plus five or so.

>> Casar: Exactly.

>> Tovo: And we can think about other --

>> Casar: Exactly. I understand the concern about every councilmember appointing one and not giving more weight to any office for making appointments, and so that's why I said maybe this committee would be the one that would take on the labor of finding -- of doing the additional appointments beyond eleven.

>> Tovo: Okay. Thanks.

>> Casar: Of course we do have to vote to extend the life of the cag because under the current resolution, it goes away. Great. Is everybody ready to move on? Okay. So move on to item number 4, which is a briefing and possible action on an impervious cover transfer agreement associated with a 5.92-acre property located at 6308 spicewood springs, known as ace salvage yard and ace discount glass. We have a number of speakers signed up on the item so we'll take the -- should we take the staff briefing first, I think, and then we'll have the citizens communication on -- sorry, the public input on the item, and then discussion from council.

[3:28:33 PM]

>> Thank you," and members of the committee. Rick Guernsey, the director of planning and zoning committee. I'm joined with our environmental officer, Mr. Chuck lezniak with the watershed protection department, and we're here to present the ace auto salvage development agreement for your consideration. We're going to cover a little bit about the history on this item, talk about the proposed agreement, and some of the limitations that would be found in the agreement. I'm going to give you a little history about this track. The property is located on spicewood springs road, it's really a northwest corner of a street called Leo pond, and surprised. It's an existing auto salvage facility, primarily started as a glass business by Mr. Roy Cavanaugh and his family. It's still in existence today. The property is just about six acres of land. Five acres of it is really covered with impervious cover, and this may be existing buildings on the property or vehicles that are being used for salvage, a lot of compacted base material. It's right along bull creek, so as you go we was 360, down spicewood springs road and as you come to the property just past yopan, as you swing by the property, you'll actually be along bull creeks then the road will continue on. Just about 2.64 acres of this property is in the critical water quality zone, and the creek itself, as I said, it borders on its western boundary. The property was annexed into the city at the end of 2013. There was a zoning request after it came into the city in 2014, and the city council eventually voted to grant the fs 6 or townhouse type zoning on this property with some conditions.

[3:30:40 PM]

The existing salvage yard, as you can see a little bit better on this picture, covers the majority of the

property to the north in yopan, along the east. There are existing single family homes along the eastern side and to the north that are zoned single-family, to the south and to the west across bull creek are county properties. The property may be used for this salvage use, basically in perpetuity. They're protected by state law, again, a state of annexation, as long as it continues and does not cease for more than 90 days by basically discontinuance, it can remind. And the property actually can be transferred to other property owners and operated in the same manner. On the property, prior to annexation into the city, the property owner did get approval of a site plan when it was in the county for a kennel that would be constructed just north of the buildings that you see, as well as a multistory convenience storage or mini warehouse type of use. That site plan is still alive today and could move forward, regardless of the zoning that was approved by the city council. Under the Texas property code, there was a right to actually develop the property with a kennel, and that mini-storage use, regardless of the zoning that may be in place. I think I'll pause here and turn it over to chuck. I'll note that the property owners that are nearby, the bull creek foundation, Mr. Skip Cameron has visited with my staff. I know he visited with council offices in the past, and there's probably universal opinion that they would like to see some access for public access along bull creek, but mainly to have the auto salvage use go away.

[3:32:48 PM]

I know the property owners here, Mr. Cavanaugh would also like to speak to this as well. So chuck?

>> Casar: One second, chuck. Mayor pro tem wants to ask a question of Mr. Guernsey.

>> Tovo: I'm trying to figure out what exactly -- what exactly this -- where we're going with this. The back up for our planning and neighborhoods committee talks about briefing and possible action on an impervious cover transfer agreement. The item posted for the may 7th agenda asks us to approve an ordinance. And I guess I'm -- I mean, I am really familiar with the discussion because Mr. Cavanaugh has come to citizens communication over the years. I know mayor Leffingwell had asked you at one point to sit down with the property owner and talk. We did get reports back from our staff about that, but as I recall, the council never initiated an ordinance. So I'm not sure why it would be posted on our may agenda for an ordinance. So I guess I don't know if there's a discrepancy in the agendas or -- but I just need to ask that question now as we continue our discussion.

>> Thank you, mayor pro tem. Fair question. This did come before us, communication, I think at least two, maybe three times. There was -- I won't say there was a formal resolution by the council, but the mayor asked staff if we could go work with Mr. Cavanaugh to see if there's some proposal where it might be mutually beneficial to try to resolve this issue. I was present at this communication. I'll just say that there were kind of nods from council but there wasn't efficiently action. And so we would bring this as an item by staff because the only instrument that could effectuate a proposal like this would be through an ordinance. And so the item that would be placed on the council agenda would be to bring this agreement before the council for consideration.

[3:35:00 PM]

And --

>> Tovo: So, Mr. Guernsey, what you're saying is, I mean I was present for those same conversations, and I don't mean to be disrespectful but a nod from our past mayor or current mayor or any other councilmember is not enough to initiate an ordinance change. I mean there's a very formal process for that. So I guess what I was asking you was, did the council vote to initiate an ordinance change, and the answer was no.

>> No. And this is brought from the staff to council for your consideration.

>> If I could step in for just a minute, it's not an ordinance that would be amending the code -- I'm sorry,

mitsy cotton with the law department. The reason this would be an ordinance is that the agreement itself requires variances. So the ordinance would be not amending the code so it doesn't require initiation, it would just be in order to effectuate this agreement, if council were to do it, there are few ordinance provisions that would be waived.

>> Casar: Go ahead, sir.

>> All right. Thank you. Chuck, environmental officer. I'm going to take a few minutes to walk you through what we've worked out with Mr. Cavanaugh and are presenting to you today for your consideration. So as Greg mentioned -- and I'm going to back up for just a second to this. The property, as Greg mentioned, is directly on the banks of bull creek. Shaded in the light blue right there is the critical water quality zone of bull creek. This is the main stem of bull creek. It has the highest water quality of any watershed in the city. And about a little over half of the existing development is in the critical water quality zone of bull creek. And from an environmental standpoint, that creek buffer is important. And so -- and then you can also see that we do have homes on two sides directly of the property, and then other homes across the creek from the property.

[3:37:10 PM]

So that kind of sets the stage for the discussions that we've been having for quite some time with Mr. Cavanaugh. And so what the agreement would be was, Mr. Cavanaugh would remove -- and I'll start on the right side of this table. Mr. Cavanaugh would remove the salvage operation from the entire property, that the portion within the critical water quality zone would be -- the city would be granted an easement for that area, and any development would be removed from within that easement area, and no development would be allowed in the future. It would be a sidewalk trail and recreation easement. The entire property would be entered into the state of Texas Texas commission on environmental qualities voluntary cleanup program, and the property would be remediated to state standards. They do an environmental assessment. It works I assume, soil and ground water testing. Any contamination would need to be remediated to state residential standards within the easement area. And the city would, in exchange for that, provide approximately -- just over five acres of transferable impervious cover. That's for the 2.6 acres of impervious cover that exists within the critical water quality zone, and Mr. Cavanaugh would be compensated at a two to one ratio. And the city would extend the expiration on the approved site plan by ten years from the date of approval of that original site plan. A site plan normally expires in three years. The site plan was approved in June 2013. It would expire normally in June of 2016, and the city would extend that until June of 2023. So the benefits to Mr. Cavanaugh is, he would receive transferable impervious cover credits for use on other property or sale to -- they're transferable, so they would be available for sale to be used on other property.

[3:39:18 PM]

The existing family window business, glass business, can remain on site. It's outside of the easement area, including the auto glass that he has removed from existing cars. All other material associated with the salvage operation, all other parts, anything like that associated with the salvage operation would have to be removed from the entire property. And the non-conforming site plan would be extended for ten years. The city, as I mentioned, gets that recreation easement in the bull creek critical water zone. We remove a use that is undesirable for the environment, the proximity to bull creek and in the sensitive watershed, and provide some compatibility -- compatibility benefits for the neighborhood. And the site is cleaned up, for whatever level of contamination there is, and a buffer for bull creek is provided.

>> Casar: I have one Quebec question for you.

>> Okay.

>> Casar: On the transferable impervious cover credits, are those able to be transferred to other properties that are grandfathered in, or not, where it could go to another property that's in a critical water quality zone that's grandfathered, or sold to someone --

>> I'll get to that.

>> Casar: Okay.

>> It's a good -- an important question. So, again, highlighted in yellow is the area that would be transferred to the city as an easement. Everything -- but remember, all of the entire salvage operation would be -- would have to be removed from the entire property, not just within the easement area. But the area in yellow would be transferred to the city. The area -- remaining critical water quality zone just to the left of the area in yellow is already in existing city drainage easement. So there are some limitations on this agreement, that only half of the -- the first half of the impervious cover credits would not be transferred to Mr. Cavanaugh until the property was entered into the cleanup program, an an environmental assessment was accepted and approved by the state of Texas.

[3:41:28 PM]

So that's an incentive for him to get the property entered into the state program. And the -- and all the materials, salvage operations, would have to be removed from the property and the easement transferred before the first -- first half of the impervious cover credits were made available to Mr. Cavanaugh. The second half of the impervious cover credits would be transferred after all required remediation was completed, and the certificate of completion was issued by the state of Texas. The impervious cover credits could not be used in the Barton springs zone. Sos prohibits transfer of impervious cover within the Barton springs zone, and it also cannot be used in areas that drain to jollyville plateau salamander drainage habitat. It cannot be used to exceed watershed impervious cover limits by more than 10%. So, for example, if you had a property that was limited to 20% impervious cover, the most you could go to would be 30% impervious cover. It may not be used to resolve legal development on development within an existing impervious cover variance. So if a property -- if a project had already gotten a variance for impervious cover, say an extra 5%, they would not be able to use these credits on that property. If someone had illegally developed and exceeded their impervious cover on their property, they would not retroactively be able to purchase these impervious cover credits to resolve that illegal development. And, also, that any property -- I didn't put this bullet on here, but it is in the agreement, that any project that receives these impervious cover credits must be being constructed to current code, so that grandfathered projects would not be able to be eligible for use of these impervious cover credits. Thank you for that question. So similar agreements.

[3:43:29 PM]

Development agreements, in general, are dealt with on a case-by-case basis. They're almost all very unique. We don't have a lot of development agreements that are like a previous development agreement, by their nature. And conservation easements which we've talked about these, I think, amongst ourselves, is, this is similar to a conservation easement, but they're generally for a different purpose. They're not to resolve existing environmental problems, you know, undesirable development and that sort of thing, but they are evaluated in a similar fashion in terms of the environmental benefit and value to the city and the neighborhoods. And transferable impervious credit cover credits are rarely granted. As far as Greg and I know, there's only one previous situation, previous instance, where we've done a similar -- similar impervious cover credit agreement. And with that, we'll open it up to questions. And we do have -- Mr. Cavanaugh is here, as well as some neighbors.

>> Casar: And we do have two speakers signed up, so I think now is a great time to hear them before council has any questions, unless you have any questions you'd like to ask before we hear the speakers. Mayor pro tem says it's my choice, so I'll do it. We will hear from our two speakers then. First we have Mr. Charlie Roth, and after him, Mr. Cavanaugh. Thanks for coming and you've got three minutes.

>> Thank you, mayor pro tem and councilmembers for inviting us to talk here today. I'm a representative of the yopan bluffs community association that represents all the homes around Mr. Cavanaugh's property. And we've been engaged with Mr. Cavanaugh for years on this property and the issues. And I'm not going to stand here and talk about how this is something that would never be -- the city would never approve today.

[3:45:37 PM]

Right? The type of development he's proposing, six stories, storage right next to homes and stuff like this today would not meet standards, I'm not going to spend any time there. I understand the grandfathering that already exists in place. The one area that our neighbors have brought up consistently over the years, I've been here, I know I've talked to this -- not to you guys in particular, but to this council three or four times in the past, and one of the chief concerns, probably in the top two concerns that the neighborhood has is access to that facility from yopan drive. And I don't know if you have the map in front of you, but there is an access that is being planned as part of the development of the property. And the concerns that we have is that that access is at the bottom of a very steep road. And there have been -- I've been in the neighborhood about ten years. I know at least three major accidents that have taken place, just cars end up out of control, whether it's teenagers or adults, I don't know. I usually see the wreckage. I've never been there firsthand to see it. But I think when the -- when the platting and the planning of having an entrance or road in this area was planning on putting in his entrance, there was probably in plan of what's going to go on that property. And if you just assume, because there's homes around, it was going to be homes, and you're talking about putting five homes there, you wouldn't worry too much about traffic. But when you're talking about a six-story storage facility, a kennel, the amount of traffic that that will bring on top of the regular high traffic that happens up and down yopan, especially during rush hour times, makes for a very, very dangerous situation. I think it is a public safety issue, and so a specific request I would have for this committee and maybe the council is to ensure that some type of traffic study get done, given the development that is being planned for that site, and ensure that we are not creating a more dangerous situation.

[3:47:41 PM]

I mean, we do want to protect bull creek, but we are very concerned about real lives being impacted by this development. It is a very steep -- for any of you who have been up there, it is a very steep road. And it's difficult to control your speed as you're coming down that road. You have to ride hard on the brakes. So that's our chief concern. And so I would ask that a traffic study be requested or done before anything is approved. Thank you.

>> Casar: Just to clarify, the hill is coming down yopan or spicewood springs?

>> Yopan. That's where they're talking about adding an entrance that doesn't exist today.

>> Casar: So yopan coming down south to spicewood springs.

>> Correct.

>> Casar: Thank you. Next we have Mr. Cavanaugh.

>> Good afternoon, councilmembers. My name is Roy Cavanaugh and I own the auto salvage business and glass business that we're talking about here. There's a word here I wanted to throw out here, the repairian area. That's the interface between the land and a river or stream. You know, that's what we're

dealing with here. This is a real critical area as you all know, but it involves the plants and the animals and the water. The plants, you know, create the diversity of the ecosystem. They also filter the water, which is real important to us because this is a drinking water zone. It also, you know, has special animals that live around there, amphibians and so forth. And the soil, you need to manage that. And this agreement will better manage this piece of property, which is in a riparian area.

[3:49:43 PM]

So I'm here to argue that this is a real good thing to do, this agreement, because it has many special Benavides -- benefits to both the city and to the environment. I bought this property in 1985, 30 years ago before anybody lived around there. There was no neighborhood anywhere around that part of great hills. The only people that lived there were the poor people. And the salvage beyond a reasonable doubt was there to support them a long time ago. And as time went on, things started to happen. The city to my east bought the property, and that's parkland. And I share the creek, the center of the creek is our property line. The city owns one side; I own the other. And on the other side of my property, on the north, the neighborhood moves in there. And it really wasn't -- the original guy, I think they developed everything up there first real high, and then, you know, the area around me was a little bit radioactive and some more risk-takers took that, some kind of speculating type people, and then they bought that property and they developed that into a neighborhood. And, you know, the buyers got a discount when they bought their house. And, you know, everything is speculating that something will happen in the future and I'll go away. You know, I don't want to cause anybody any problem. I was there a long time ago. I didn't even imagine this kind of stuff. I didn't know the complexities of this whole situation, the legal complexities and so on and so forth. I was trying to help my family, a couple brothers I had that weren't doing as well as I thought they should do in life, and this was to help straighten them out and get them going, which is done. And I have 20 employees there. I'm probably the only guy that never fired anybody. I've had a lot of people self-destruct.

[3:51:44 PM]

I've tried to help people. I've got 20 guys that work for me, that I -- I love some of them. And -- is my time up already?

[Beeping]

>> Casar: It is, but you can finish your thoughts, sir. I'll give you another 20 or 30 seconds to finish up.  
>> What I'm being asked to give is a lot. They're going to put a restrictive code on this property, it has the rights to ruin the salvage yard, outdoor storage for boats, cars, rv's to work on them, I have a license to have a wrecker service, I'm forfeiting all that. That income stream can be discounted with a cap rate and it's worth between five and six million dollars. So I'm giving a lot up in terms of just raw money. And the city is getting the control of the riparian area. They're going to close a junk yard in an environmentally sensitive area. I want to redevelop the other half of my property. I'm taking ownership of the problem. If there's a problem there, I want to take care of it. I want the certificate of completion that you get when you go through the tceq. I'm going to do all these things. I'm going to give up my income streams for the salvage yard, I'm going to give away all my rights. Then I'm going to spend \$200,000 for the lawyers. Consultants to do the environmental study. The laboratory work. Then I have to pay the tceq to do their job. You have to pay them to do that. They have to wait a year for that to get approved. And then I get some tdr's, then I try to sell them, and try to did you understand, but at the same time, I'm trying to keep these employees I have employed. I've got all this synergism working with the salvage yard which is taken away from me, and I have a moral obligation to protect my employees.  
>> Casar: Thank you, Mr. Cavanaugh. If any of the members on the committee have any questions for

you, I'm sure they will ask.

>> In recognition of the six stories being a big problem, you know, I've cut the building down to three stories. And that intersection was designed by engineers.

[3:53:44 PM]

They were going to build arterial -- they were going to build a 2222 type road through my property. So someone at one time decided that was a good intersection to do that.

>> Casar: Thank you, Mr. Cavanaugh. If we have questions from you, we'll certainly ask them.

>> Gallo: I do.

>> Casar: Looks like Ms. Gallo already has one.

>> Gallo: Thank you for being here and thank you for working with the neighbors and also the city to try to come up with a good solution. And Pio and I were just talking about that we both have been from Austin long enough to have been on that property, probably before you bought it. But anyway, one of the questions that I heard from the gentleman from the neighborhood was a concern with traffic exiting onto yopan. I know that the business has been here for such a long time, and your exit from the business area, from the property, has been on spicewood springs. So I guess my question, in knowing that road well, and it is a hill, and people have a tendency, as much as we would not like them to, they have a tendency to really speed going down the hill, and the concern from the neighborhood with children and bikes and pedestrians and cars would be that that might -- that might produce a really dangerous intersection with a driveway that exits onto yopan. Is there a possibility, in trying to make this work and work with the city, and obviously you have -- you have a real desire to help protect the bull creek, would there be a possibility within your site plan to keep the exit onto spicewood and not have an exit on yopan, be able to develop your site plan so that it would feed into more of a commercial road and it would protect the neighborhood from that possible dangerous intersection, but still allow you to develop the site in this process?

>> Well, of course, you know, I could, but let me tell you why that may not be the greatest idea. Number one, I'm serious, they were going to build a 2222 type road there. You see, if a person was leaving there, they'd be pulling out there and have clear vision up and down the hills, up and down the street.

[3:55:49 PM]

So I don't think anybody would have a problem pulling out. And pulling in, it would be the same kind of thing. You could see people coming down the hill, so you could -- you know, there would be plenty of, you know, visual information so you wouldn't make a mistake. And the other thing is the front of my business, that's the dangerous place. That's where people come around that curve, lose control, spin out, do everything else. That's why, you know, I have a real dangerous access point in front. That's why I wanted to use the one on the side. And I honestly don't think it's that big of a problem. I mean, if people are speeding down that hill, you know, they're the ones that's causing the problem. And another thing, there's not that much traffic for the mini-storage. You know, there's only going to be eight or ten vehicles come into the mini-storage every day. Practically none. So it's not a high traffic thing. And, you know, if I thought there was going to be a lot of businesses business involved with the dog kennel, I'd be willing to give the dog kennel up if that's a problem. But the traffic, I don't think it's that big of a problem.

>> Gallo: But if you were -- I mean, obviously everyone wants to be a good neighbor. If the concern from the neighborhood and the people that actually live there now was that they felt like that driveway would be a traffic issue and a safety issue, is there a way within your site plan to eliminate that driveway and address that traffic and feed that traffic onto spicewood springs instead?

>> You know, I'm totally willing to compromise on what's possible, you know. Mike just told me that there's a five issue that would prevent that from being done, that we really can't do that. You know, but actually, I think, really, to be truthful with you, they don't want to look at it, you know, to drive by. Now, to counter that, which I think is a bigger problem -- I intend to --

>> Casar: I'm sorry, Mr. Cavanaugh, could you get a little closer to the mic for us?

>> It's going to be a classic facility. It's going to look as good as we can make it look.

[3:57:50 PM]

It's going to look like a modern-looking office. And we're going to, you know, do whatever we can to plant trees and so forth around there, make it really look good. But it's like anything else, when you first start thinking about it, it doesn't seem that -- you know, it doesn't seem that attractive, but after a while, there's something there that you don't pay any attention to it, really. I really don't think it's that big of an issue. I think it'll become just something you don't pay any attention to.

>> Gallo: So may I ask -- I guess with your statement about a fire issue there, may I ask staff, is that something that you could address where a second exit would be required other than the exit on spicewood? Or is that something that you would need to research and maybe get back to us before we address this at council? >> Is.

>> Councilmember, I would need to go back to our transportation staff and have a look at that. I am aware just being down there myself, there is an issue of trying to maneuver around that curve. We would need to get that information and we could get that information back to you in a timely manner about having additional traffic come out. If Roy would have all the traffic come out on spicewood rather than on to yaupon.

>> Gallo: Is this scheduled to go to the council at our next meeting? What's the process here?

>> That would be on the 7th. That's when you would see this item first appear. Certainly Mr. Cavanaugh or city council could offer to suggest a postponement of that if there's some, I guess, questions that arise either out of this meeting or at the council meeting.

>> Gallo: So is it an ordinance with a first, second and third reading required? What are we looking at approving with the council?

>> There would be three readings of any ordinance that comes before you so you could certainly consider a first reading and bring it back for second and third another day.

[3:59:57 PM]

>> Gallo: I've heard -- I really do appreciate staff and the owner of the property and the neighbors working together to try to come to resolution with this situation. And it is one of those situations where the use was there long before the city. And so I do appreciate all three parties and staff coming up with a proposal that may work best for everyone. But I am concerned about the traffic. I know the road. And I've heard from the neighbors that are concerned about that. And if that is our stumbling block on this, what I would love is staff to be able and transportation to analyze that and have the neighborhood present at the point that that's done so they can address their concerns. Would that be something that could happen before council meeting?

>> I can certainly get with our transportation department and -- transportation staff and development services department and try to get an answer back about what hazards there may or may not be of taking additional traffic out of that driveway on spicewood springs road.

>> Gallo: Is it appropriate to make a recommendation at this point?

>> Casar: We are posted for possible action on this item and Mr. Cavanaugh was our last speaker. Well, since you asked if you could make a motion -- are you happy to let mayor pro tem ask her question first?

>> Tovo: Either way. I have a question for Mr. Cavanaugh and several for our staff.

>> Casar: Let's ask Mr. Cavanaugh a question while he's standing here. Testified am I --

>> Tovo: Am I understanding correctly that you intend to build the kennel?

>> Yes.

>> Tovo: Back when this discussion started I thought part -- I guess at that point you were asking the city to purchase the tract, but I thought part of the concerns I remember hearing were about the kennel use on that tract. So I just wanted to clarify that this agreement doesn't change that at all. You still intend to build the kennel.

[4:01:57 PM]

>> Yes, ma'am, at this time we do. We do have the right to build it. I was picking things that I could do, we could manage.

>> Tovo: Sure, I understand that.

>> And that would support the neighborhood. There's dogs everywhere and cats everywhere around there, many pet owners.

>> Tovo: Okay. I assume that when this comes to council we'll actually get the agreement itself in some level of specificity because there are a lot of things -- I'm not even really clear if there are -- I think you said that you no longer plan on build a six story building, you plan to build a three-story. I don't see that captured in our powerpoint unless I'm missing it. So certainly if those are the commitments that you're making as part of this agreement I would expect to see those in the agreement that comes before council for consideration.

>> We have a site plan that reflects that.

>> Tovo: Reflects six stories or three?

>> Three stories in our site plan. Since that was never really an issue in the agreement because these are rights that I had that I took advantage of the code and did what was according to the code and tried to optimize, you know, the the development.

>> Tovo: Right, but I think you're entering into an agreement with the city and waiving certain things and changing certain things. So that's why I need clarity on that.

>> We decided that we would probably be more palatable to everybody and everybody could be happier, you're selves and the neighbors F we went to three instead of much higher.

>> Mayor pro tem, there is a correction that was submitted I know last week and that I think still under review that has not been approved that shows a lot of changes to that storage building. Reduces the square footage, provides a fire lane around the structure itself. Part of that may be the three stories that Roy is speaking about. So that's in the review right now.

>> Tovo: Great. I had a couple other questions for our staff.

[4:03:58 PM]

Are there structures right now in the critical water quality zone?

>> Yes, there are.

>> Tovo: Are those remaining?

>> No. They'll need to remove everything from within the easement area. You can see near where the large building is on the lower part of the property, just to the left of that there are several small structures that are used for storing glass and they're kind of shedlike structures. Those will all need to be removed.

>> Tovo: Thanks. And help me understand, the impervious cover credits can be used -- may not be used to exceed watershed impervious cover limits by more than 10 percent. I wonder why they would be

allowed to exceed watershed --

>> Because generally the watershed limits are more stringent than the zoning limits. And so other than that they would have no value to someone.

>> Tovo: I see. And since we're talking about that as I recall, that was the crux of the -- at the center of what I think may have been our other use of impervious cover transfer credits. Am I right in thinking the other case you were thinking of is the fresenhan tract?

>> That's correct. I think there was a limitation that did not allow them to use -- the agreement we referenced, within the drinking water protection zone. That would actually allow these credits to be used within the drinking water protection zone, save and except the two areas that were mentioned earlier, the Barton springs zone and those areas that are jollyville salamander habitat. I think actually there's a map that we have that you can take a look at that might be some of those.

[4:06:00 PM]

So there are areas that are beyond these areas within the drinking water protection zone where Mr. Cavanaugh could use or sell those credits. So a much larger area availability could be used in this particular agreement.

>> Tovo: I see. So one of the things that happened with the fresenhan tract is that after the council six or so or longer ago entered into that agreement with the prone E the property owner -- the property owner came forward to the city and said he hadn't been able to use them, and a council majority, of which I was not a part, voted to in essence compensate him for more than a million dollars' worth of cash and development credits. I think the Numbers were 887,000 dollars' worth of cash and 500,000 dollars' worth of development credits. Would you say that's -- am I accurate in --

>> Those Numbers sound correct to me. That particular agreement was actually one where the property owner did not have the ability or -- actually proved it up to staff that they were having difficulty selling those credits because the limitations I just mentioned, that they weren't allowed to use them anywhere in the drinking water protection zone. And then the areas that were in the desired development zone were very limited because of those areas and our watershed regulations are more generous than in the drinking water protection zone.

>> I guess for me -- I appreciate that this discussion has continued and it sounds like this may be a very good proposal for the community and the neighborhood and the environment, but given that our only other example ended up being quite costly -- it didn't need to be. It was in the end a policy decision rather than something that was litigated in the courts, but given that our other example ended up costing the city a fair amount of money, I am going to need to have a lot more information before I'm ready to support this.

[4:08:05 PM]

And one of the pieces of information I would really want to see is what our staff are going to do in crafting that development agreement to ensure that we would not have a situation where this or a subsequent property owner would come back and say I haven't been able to use or sell these impervious cover credits, and gee, as you did with the fresenhan tract, I'd like to be compensated for those too. So I know we can't tie the hands of future councils, but I sure would like to make it extremely clear if the council enters into this kind of an agreement that we don't have any intentions of revisiting it in a few years and turning those impervious cover credits into cash and development credits that come out of our city budget. I think I'll have some other questions too. Again, I am cautiously optimistic that this may be a good resolution to an ongoing concern of the neighbors, but to me there's a lot here that needs to be reviewed that I need to review. Are the staff recommending this?

>> Yes. We would offer this for your consideration as a recommendation for approval.

>> Tovo: Okay. Can you help me understand why the recommendation to extend the site plan?

>> Yes. I think probably the crux of this is the land use issue that's involved here is the auto salvage operation. And right now that facility can be operated in perpetuity. And so as the agreement progresses, and this is a 15 year agreement involving the impervious cover credits, we want to work with Mr. Cavanaugh to try to remove certainly all of the auto salvage business that you have on property right now and to clean up the site. And in exchange Mr. Cavanaugh wanted some certainty that the site plan that he has that already is approved and already has the right to go forward and construct, I understand tonight or this afternoon it's only going to be three stories instead of six stories, but he could go forward with that.

[4:10:19 PM]

And we could also make the three stories a part of the agreement as well if that is a concern. But there was an exchange that was basically made that he would ensure that he has the development right to do that and basically in exchange for the city having the removal of the auto salvage yard that's been there for many years.

>> Tovo: I'll have to go back through the previous testimony. I thought I understood the concern from some of the neighbors was that he had the entitlements to build -- to do this development. So I thought the agreement was going -- I agree that it's a real benefit to not have the auto yard continuing, but I thought part of the intent was that there were Berns the kennel use as well.

-- Concerns about the kennel use as well.

>> Mayor pro tem, if I could add to what Greg was saying, I think that part of the reason for the extension is a, it was part plaintiff Cavanaugh's request. This was not something that was offered by staff. Mr. Cavanaugh requested this. But I think part of why we're willing to recommend that particular part of it is it's an understanding of two things. One, it will take him a little bit of time to get the cars and all the material off the property. And that the amount of time that it will take him to get the property through the voluntary cleanup program and he starts to receive credits where he can monetize those and that it was part of his -- his -- he stated that needed that to happen as part of his ability to do this development. And so it's a -- I think the 10 years was what he requested, two years are already gone, and so it's basically at this point eight years from now. It's not 10 years from the agreement. It's 10 years from the date of site plan approval. And so that is certainly a policy question that council can consider is that time frame.

[4:12:26 PM]

>> Casar: Councilmember Gallo.

>> Gallo: So what I would like to do is make a recommendation, and I really appreciate mayor pro tem tovo's question and historical perspective on all this. Thank you as you talk about this. I would like to make a recommendation that we recommend this to council to be considered staff's recommendations with a couple of additions. One, I think the legal aspect is important and so I would like for legal to make a recommendation on language that we could perhaps insert in the ordinance that would give us protection from the situation that happened in the past in case the credits cannot be sold. In addition, I think your questions about the changes to the site plan, I would like to see if those could be included in the ordinance so that everyone is on the same page with this. It sounds like you've agreed to do some things that would enhance the neighborhood from your previous and I really do appreciate those considerations. But if those could also be included in the ordinance looking at the amended site plan. And third, I think we would want to look at the safety from transportation ago department on the

driveway exit to yaupon and make sure that that's not an issue. And if it could be moved to spicewood springs as an alternative to be able to hear that recommendation. Is there anything else that we talked about that.

>> Casar: Councilmember Gallo, can you remind me, you said first was the legal and liability issues that mayor pro tem tovo brought up, the traffic issue. Can you remind me the second one.

>> Gallo: The site plan issues. Evidently they've issued a revision with changes that are more reflective of neighborhood concerns, which are appreciated from both my point of view and I'm sure the neighborhood's too. So thank you for doing that.

[4:14:29 PM]

Were -- was there anything else?

>> Tovo: Thank covers a lot of them and I appreciate you adding that into the motion.

>> Casar: I would second that motion. Does anybody want to discuss it further? My understanding is that it's a recommendation that it has the cautious optimism that's been expressed by mayor pro tem tovo where we recommend it, but with -- with some pending questions that we would like to see answered before we can give our full blown recommendation. Councilmember Renteria?

>> Renteria: It seemed like you wanted to ask a question there?

>> Well, I hate to ask for anything, but I'm -- you know, some things that I'm going to ask for, I don't want any more or less than what I want to do. I just wanted to be able to modify the timing a little bit of when these things happen. And those buildings that are in that area, I know -- you know, you want to get them off there because it's the conservation easement, but I would like to have a little bit of time to use them because that's my competitive advantage. That's how I keep these guys working is I have this glass business. If I could just get a little bit of time why I could not have to move 'em day one if I could have, maybe a few years where I could build something different, you know, and move them over to the other side, which they will come off date certain, but I'd like to have a little bit of timing difference on that. So it's to protect these men's jobs, you know. I've got some guys that have worked for me a long time. They're about 55 years old. There's some younger people. I don't want to pull the rug out from underneath them. They're almost like family to me. They depend on me, I depend on them. And if you could see it as something reasonable, an accommodation to make so I can take care of these folks, I would appreciate it.

[4:16:40 PM]

>> Gallo: I think that's a staff question as far as -- it was my understanding that the timing really was up to the owner of the property from the standpoint of getting the credits was subject to doing things. So I think you are in control of the timing.

>> Well, I'm -- I need to get the credits so I can monetize them so I can get everything done. This thing is going to cost a lot of money. But if it's a big deal, I'll just do something. I'll do something. I'll adapt and overcome.

>> Gallo: I do think that that's what I heard from staff is that you are in control of the timing, but that the issuance of the credits is going to be determined by the work that's been complete or the process.

>> Another argument I could make, and I wish I could make this. I wish you could see this into another accommodation, is really they're putting a restrictive covenant on my property. This means I can do something. I mean, there's no take backs on that. It's permanent. I'm also agreeing to the trail easement. The city is getting so much of what they want. They're getting so much of their consideration locked down day one. I'm going to have to spend a lot of money even doing this mini storage thing. If I could get some of those credits upfront, not a lot. You wouldn't pay a guy to trim your trees if he was

going to come back tomorrow. I'm doing a whole lot day one. When I signed that thing, listen, these folks --

>> Casar: Mr. Cavanaugh, I think I understand your point well and I think the committee does. We still have to move on to council and then three readings. So we do have a few items on the agenda. My hope is that as you have these continued conversations I think the point that's been brought up could be considered in those conversations if folks so choose. It's something on the table. Of course, there is -- that would be added benefit on Mr. Cavanaugh's side to have the credits earlier in the conversation than the current ordinance is laid out to be.

[4:18:44 PM]

And so that would certainly be -- that would be something that if this council -- if this committee wants to see this considered I'm sure we could express that at the council level, but I feel comfortable with the motion as it stands now. But if there were -- if somebody wanted additional concessions on the city side that is a trip that I think we hold on our side of the equation.

>> Gallo: My impression was the staff's recommendation was a timing process that they felt like protected the process. So I would suggest that if you wanted to continue the conversation with the city staff I would suggest that do you that, but that was the impression that I got from them.

>> Casar: I'd like to call the question on this and move forward. I think the recommendation is to recommend passage of this council, but we would like to hear back about the three issues by councilmember Gallo so it's -- it's pending answers on those things in ways that are favorable to the committee and we would recommend this. Is that all right? Is that a suggestion, mayor pro tem?

>> Tovo: No, I'm just voting.

>> Casar: All in favor?

>> Tovo: I may abstain. I may get to the point where it's a great deal, but I need to review the development agreement and some of these particulars. So I appreciate councilmember Gallo for adding in some of those considerations, but I'm not ready to endorse it just yet. Thank you.

>> Casar: So our cautiously optimistic recommendation passed three-zero to one. >>

>> Gallo: This is just to remind people that are watching that are as confused as we are during all this process, this is just a recommendation for it to be heard before the council. This is not approving the ordinances submitted by staff.

[4:20:50 PM]

>> Casar: That's right. Thank you for all your help and interest on the issue. We'll move on to item number 5, which is a review of the admission permit process. We do have two folks signed up to speak so I think what would be helpful is we'll get the staff brief, we'll have citizens give some input on it and then any discussion that the committee wants to have can proceed after that. Hi, Mr. Gonzalez.

>> Hello, councilmembers, chair, rodly Gonzalez, acting director for the city's development services department. We're here today at the request of you for a briefing on the demolition permit process which will be presented by Carl wren. He is the assistant director over commercial and residential review and inspections. Also attendance are also staff, Chris Johnson, who, John McDonald, who heads the residential review team and Steve Sadowsky who heads the historic preservation team. With that I'll turn it over to Carl. Thank you.

>> Good afternoon, councilmembers. My name is Carl wren. I'm the assistant director of development services department. You've asked for a presentation, so we wanted to make sure that we covered it as thoroughly as we could. So let's get started. If I can figure out how -- there we go. We look at demolition to make sure that all the applicable requirements are met. We try to do due diligence on the ownership

and status of the property. We do a planned review depending on the status of the property on whether it's residential, commercial, and then we have a permitting process and inspection process. We want to make sure that the application is complete, that it has the address of the structure, the owner. Make sure we clearly identify who the owner is and how to get in contact with the owner. The contractor that's going to do the demolition, the information on the building, how big is it, how tall is it, what kind of information is out there?

[4:22:55 PM]

Do they have a tax certificate? Is it valid? We want to a notarized authorization for the demolition from the owner. And then depending on the size of the structure a site plan or a survey showing the existing structures and designating those that would be demolished. We also would do historic preservation review if the building is over 40 years old or if it's located in a national register or locally designated historic district. Or if it's designated as the historic landmark by the city. So in doing due diligence we have a requirement for notarized proof of ownership. And work is really not to begin prior to the issuance of a permit. We want to verify the viability of the construction on the site. Can planned changes be done under the zoning, the land use, the land development code requirements. We check to see that the utilities are notified so that they can terminate services to the property. We don't do an initial inspection for that. The utilities themselves are responsible for making sure their disconnections are done. If there are trees impacted we have the request looked at by the city arborist. And if there are potential right-of-way issues, Austin transportation department is asked to look at it. For commercial demolitions there's a need for we require an approved site plan or site development exemption and we'll talk about that in a little bit. And we also require a completed Texas department of health asbestos notification survey and form. We have separate processes for residential versus commercial. And we do a separate process depending on whether it's partial or complete demolition. If it's only partial on a residential we want to look at the specific sections of property that will be destroyed or demolished.

[4:25:00 PM]

And we typically would do this simultaneously with looking at what construction might end up being done, any additions or model. If it's total demolition, that is the complete removal of the structure, plan review is done independently of any plans for new construction and it's typically process as an express permit in the residential review division. For commercial, for partial, where only portions are being removed, it's a process by the development assistance center and doesn't typically have a commercial view aspect. If it's total demolition, the complete removal of the commercial structure and it's less than 10,000 square feet, the development assistance center processes an application for a site plan exemption. If it's over 10,000 square feet in area the building itself land use review gets involved and processes a demolition site plan and that's included as part of the site plan for the redevelopment. So once the review is complete, appropriate permits can be issued, permittings can include a building permit that is the demolition permit, but also the demolition permit could have electrical aspects or plumbing aspects. Upon completion of the total demolition, we do veteran expectation to make sure that all of the utilities were properly disconnected and capped or removed and sometimes we require an environmental process inspection to make sure that they deal with revegetation issues. That if you have any questions for it.

>> I think we will have a couple of questions, but first I'd like to get citizens to speak and then we'll have heard the testimony and we'll probably ask you some follow-ups.

[4:27:00 PM]

So on this item we have first Mr. [Indiscernible] And then Susana Almanza.

>> I would like to apologize for my English. I hope everybody understands my speaking.

>> Casar: I think me and Mr. Renteria will do just fine with that.

>> I'm the owner of the milk milk. Mike Barnes.

--

>> (Off milk).

>> My name is Jose

[indiscernible]. We overtake this businesslike a family project back in 2008. We started from scratch practically. And he was very humble, but operating in a stable business. And the morning of the 12th of February of this year, I was driving to my daughter's school and I saw the destruction of the building where I was doing my business for the very last eight years. I had no notification of any kind of the demolition. We never had notice of the disconnection of the utilities. We had no notice from nobody about the demolition plan. And guess what, everything we have remain inside.

[4:29:04 PM]

When we saw the destruction we saw the materials on the [indiscernible]. Splattered under that bulldozer machine. My utilities was connected at 7:00 in the morning, the water, electric power, the gas pipelines was connected. They -- gas pipeline was connected. They make an emergency problem right there. And that's the story. So after that I'm wondering how legal was this demolition because I have no idea how somebody can destroy it like that when I have to follow tens of -- procedures. When I open my business, it take me more than two months in order to have every requirement together from marshal inspections, the city inspections, I can't remember. Even a plan of the building existing that moment that it was going to cost me almost \$7,000. And maybe two or three months. And they have in a in a couple of days or a couple of weeks to destroy my entire livelihood. That's my question now. I'm average guy fighting internet company on my own expenses. And it's growing because right now I am risk to lose even my house because I don't have income to pay my bills. So this is just what I wanted to tell you, to let you know.

[4:31:09 PM]

And thank you for your service to this community.

>> Thank you so much for sharing your story with us today. And Ms. Almanza, you have three minutes as well.

>> Good afternoon. I'm Susana Almanza with poder, people organized in defense of Earth and its resources. And we've been working with the family since this incident happened. Our recommendations is looking at the whole Asian of the demolition permit because some of the red flags that were set up was if you looked at the demolition permit it said is the place occupied and it said no. Is the place vacant and they said yes. And so that itself should raise a flag if we had an inspection or somebody come to see the building because they would have seen that the building was occupied and there were people residing there as a commercial business. The other thing is we need to make sure there are pictures of the current site that follows this permit process because with the picture you would have said what are all those pinatas hanging there. It would have raised a flag to say this is unoccupied and vacant? Why are still items in this place? The other thing when they talked about historic review, this building is about 82 years old. Why did this not say wait a minute, this needs to go to the historic commission first? You have a building that's way past 50 years, almost 100. So looking at that's another flag I think that it could have been raised. The other thing was this is a problem in blanket zoning commercial service mixed use

because in essence had you a single-family residence 10 feet away. So I think that that's another thing you have to look is when you have a mixed use development you need to send an inspector on site because we had a residence within 10 feet of this building. Yet this building was deemed to have asbestos on it.

[4:33:14 PM]

So you would have to make sure that the asbestos removal was happening in the way it was supposed to. It was not. It was not covered. The workers were not using safety as required when you are dealing with asbestos. Asbestos throughout the community, as this facility was being knocked down, which was illegal. So there's another flag that we need to be looking at when something is deemed to have asbestos in it. And then I think it needs to be reviewed by the contact team. If there's a demolition happening in that particular community it should do before the neighborhood contact team because I think that is a land use and planning issue. Another thing is utility verification. Who are presently utilities in because that would raise another flag if the utilities are in someone else's name, then the process usually when you go to utilities, those people need to turn it off before it you turn it on, but in this he sense it was still in the owner's name so it should send up another red flag. So in looking on this flare issue these are some of the recommendations and flags that we saw that need to be looked at and could easily be added to the permitting application so that we can make sure that this doesn't happen again because I can assure you it will happen if we don't do something because east Austin is being heavily gentrified and this is not the moment, but I can tell you of numerous cases where people are being not given their rights and are given notices that they need to move, they need to relocate.

>> Casar: Thank you, Ms. Almanza. We had David king signed up to speak also, but I don't see him in the chambers, so I'll show him signed up to speak as neutral. Are there any questions from my fellow committee members of the citizens who came to speak or staff from their presentation?

[4:35:20 PM]

I have a few because -- I'll wait for Mr. Gonzalez to finish his conversation with our staff so we can get the answers. I do have a few questions because it was a pretty serious story of what happened in our community and I want to know what it is that our city processes can and should legally do to review these demolition permits without being so cumbersome on our staff that we can't work expediently and efficiently. I would like to ask of our staff from the presentation that was given about penalties, if any, if we find that demolition permits were issued, but the information given to us was incorrect. I'm not able to speak on this case about whether it was correct or not. Obviously this is a court of law on the issue, but broadly when demolition permits are issued do we verify, for example, if the building is occupied for an -- for example, whether or not we're speaking of this example and what rope do we have for asking the question if we are able?

>> Carl wren again. Normally demolition permits are strictly to the owner. And we don't typically get involved in landlord-tenant issues. That's regulated by state law as are the federal and state laws regulate the asbestos issue. So we don't replicate federal and state regulation or that sort of thing.

>> Casar: I understand that. We do ask for the applications for demolition permit if the building is occupied or not?

>> Yes, I think so.

>> Casar: And -- but we don't verify whether or not the building is occupied or not.

[4:37:25 PM]

>> No.

>> Casar: You do not have to speculate on this, but what is the reason for asking the question on the demolition permit application?

>> I mean, we wouldn't want to do harm. We would assume that the owner would know if his or her building was occupied.

>> In a case in which a building owner checks that the -- that the building is not occupied, but in a case in which it was indeed occupied, does the -- would the city have any remedy or any reason not to demolish the building?

>> I don't know of any penalties of it. I could ask staff.

>> Casar: The reason for me asking the question is if we're asking for it on the demolition permit is I would want to know the reason why we're asking the question. I'm not saying in this case whether it was truthful or not. My indication is I'm just appalled by the case in general regardless of this particular issue. If we're asking some of these questions in our permitting process, it seems to me we shouldn't ask the question if it doesn't mean anything.

>> Renteria: I have a question to legal. And basically it's just a class C. The city of Austin can not [indiscernible] A class C and then it would be in district court.

>> What we'll do, councilmember, if you don't mind, we'll look at that matter of why we ask that question, whether or not the property is occupied or vacant. Then we'll also confirm with legal with regard to if that information is not accurate what remedies -- does the city have with regard to penalizing the applicant?

>> And another question. Is there -- there was a question -- I imagine under state law you have to notify tenants of a building if an owner chooses to demolish the building, I imagine.

[4:39:28 PM]

>> To reiterate what Carl just said, those are negotiations between the tenant and landlord. We're not too familiar with that. That's a relationship issue.

>> Casar: You don't know if under state law -- I understand we would not want to be duplicative of state laws, or are my colleagues or you aware if under state law you have to notify a tenant --

>> We're not aware, but we can research that question whether it's state law between -- on a residence they would.

>> Casar: What about on a commercial operation like the example that we're presented with today.

>> Staff says the whether or not the building is occupied or not is not on our application.

>> Casar: Okay. That's helpful to know. Thank you. But we are also aren't aware if under state law you're required to notify tenants of commercial buildings of demolitions?

>> I am not aware of that. I'm not -- E that might be helpful for something for us to research because if that was not the case then that wouldn't be duplicative of display but might be something that we're interested in discussing is if that gap exists in state law? Which tenants of commercial buildings don't have to be notified and I don't know if it does or doesn't exist in state law, that means seems like it would have been very helpful in this particular case presented before us for tenants to -- and once again I can't comment on whether or not notification was or wasn't received, but Mr. [Indiscernible] Has indicated that he did not -- whether he did or didn't, I think it seems rational to me if you own a business that you can receive notification from our landlord if they're going to demolish the building with enough time for you to remove things from the building. I notice there is pending litigation in the jumpoline case, but I think it's an important example for us to consider and think about these issues since they are going to be ongoing in our city under our watch.

[4:41:35 PM]

>> We will ask that question and research that. And with regard to the other question of a form being filled out incorrectly, we'll still pursue that question.

>> Casar: Thank you. And I think I would be interested in hearing back from staff also the suggestion that was brought up about if the utilities are in the name of someone else in the building, that might give some indication that there are tenants in the building, but whether they've left or not is difficult. I think we'll continue contemplating that piece. And I'll also submit a question to staff about the concern brought up bring Ms. Almanza that it was a building more than 40 years old. Am I right from your presentation that any building over 40 years old that we receive a demolition permit for does go through the review process?

>> I want to bring Steve Sadowsky up here to talk about the preservation process.

>> Casar: That would be good. Hi.

>> Good afternoon. Steve Sadowsky of the historic preservation office. Yes, we review every application for total and partial demolition of buildings over 40 years old, but then we make an evaluation as to whether to administratively approve that application, which happened in this case, or to refer it to the historic landmark commission. Basically what we use as our criteria is whether the building has a special to be designated as an historic landmark. Not every building over 40 years old gets referred to the historic landmark commission.

>> That's helpful to know from the presentation. I didn't glean that. That's helpful.

>> Depending on how this committee feels I'm fine moving on without taking particular action unless y'all would like to take action in regards to directing staff or asking the council to direct staff to talk to us a little bit about the notification process.

[4:43:41 PM]

But I don't think we need council action to do that if you feel comfortable with me just moving forward, asking staff about state law regarding notification and if there may be opportunities for us to supplement that with city rules with demolition permits?

>> And I agree with that. I went through the whole process with the legal and management after this happened. And I went through the application for their demolition and the only thing they needed was to issue the permit with a form from the state of Texas health department saying that it didn't have a best -- and the owner of the building just clicked. He told them no so they clicked it. You've got the form, you went to the city and they asked you a couple of questions, but they didn't ask you if it was occupied. It -- I think it said occupied and the person said no. There is a couple of items that we can add on to that form for more better -- for verification that needs to be done? And one is if it's a business deal -- is the business still in operation and it's an administrative --

[4:45:43 PM]

>> Casar: It could be recommended by staff to deal with these issues so that we could have remedies if someone chooses to demolish a building that's indeed still occupied by -- occupied by its tenants. I imagine that there's state law where you have opportunities to take private right of action if you're evicted or not evicted properly, but I think that since we are tasked with issuing demolition permits it might be an interesting concept to explore about asking if the building is occupied and if somebody lies on the form that the city should, could I imagine with the right ordinance, assess penalties for noncompliance.

>> Then it is a follow-up discussion with regard to the form itself and the questions that are asked. Also following up with why we don't currently ask whether the building is occupied or vacant. And what it

means from a process standpoint if we were to ask that question and then also have to go and verify that information as well.

>> Casar: Committee members, do you think staff could follow up with us to prevent demolition of buildings being released to folks who still have tenants, whether they be commercial or residential tenants? And if you have any action that you would suggest to prevent those suggestion situations, then I think that the committee might be interested in reading through that and we could discuss taking future action on a future agenda. That way we don't have to have you come make a presentation. I think you have made a presentation about the basics. If you have any ideas since I think the committee is concerned and community is concerned about it, we would be welcome to hearing those.

>> We can certainly look at that.

>> Casar: And lay out the roadblocks.

>> We can look at that and from our perspective we're always going to be concerned with not getting into that landlord and tenant relationship and being careful not to delve too much into that.

[4:47:46 PM]

>> Certainly. I think that it would be less about us interfering with that relationship and more toward us not wanting to issue demolition permits that may destroy the property or endanger the health of Austin citizens. Thank you.

>> Thank you.

>> Casar: Finally our last item before discussion of future agenda items is review of the smart housing program. And we did talk at the last council meeting meeting about getting a briefing on the density bonus program. And this is more for the communicate. I think we've communicated this with the mayor pro tem tovo. Our staff that handles that is out of town. So we'll talk about during the future agenda items portion. I'm not snubbing the mayor pro tem by only having this item on the agenda today.

>> Gallo: Can I make a comment about some of the briefings? Since almost all of us are new on the council, I think the briefings have been really important to help increase our area of expertise and our knowledge on a lot of different issues. And what I'm beginning to see a little bit of is when we have a really good briefing from staff in a committee meeting that often we have the same discussion when an item comes before council. I would suggest at some point we talk about briefings we're doing through the committees and determine whether they really are more appropriate for the full council to hear. Just because to conserve everyone's time and to be sensitive to staff who often it seems like is giving the same information in a committee meeting as they are for full council, I think until we all get up to speed on all of the issues, which are really what the briefings are doing, it may be more advantageous to have some if not all of the briefings in front of the full council instead.

[4:49:50 PM]

>> Casar: Absolutely. We'll definitely have that discussion and I think we'll have at least in this committee being the responsible party for the agenda setting I'll communicate that with the mayor's office and with some other councilmembers. The G new is I do think these are all getting taped so if we can't get them to everybody we should direct our fellow colleagues to hop online when they're at home in bed and watch presentations that they've missed. Thank y'all so much.

>> Gallo: Does that mean we're back to middle of the night meetings?

>> Good afternoon. I am Gina kopek can neighborhood housing and community development. To my left Javier delgado and to my right Jesse Koch. And we are going to try to give you a brief presentation on the smart housing program. I'm going to turn it over to Javier.

>> Thank you. We're going begin our overview with a mention that the city of Austin efforts in

affordable housing in which we operate -- efforts to address the lack of affordable housing in Austin [indiscernible] Which strongly support individual property rights. Most of the common tools that are used to create affordable housing in other states such as mandating inclusion of affordable units in the development which is called inclusionary housing requirements are not allowed by the Texas state constitution. The city looked to address the growing crisis in the affordability with using an incentive based approach, realizing it would require the participation of both market housing developers and non-profit organizations. What is smart housing?

[4:51:51 PM]

The S for smart, M, mixed income, a, affordably. It is to stimulate the production of housing for low and moderate income residents housing of Austin. The housing meets the city's green building standards and is located in neighborhoods throughout the city of Austin. Some of the goals that we tried to promote with the program are that we provide waivers of development fees to promote the development of smart housing. Use the public resources to leverage private investment. Stimulate the development of housing on vacant lots in new and existing subdivisions. Promote the use of existing city infrastructure and services. And to remote the creation -- promote the creation of alternate funding sources for the development of smart housing. A very important note, the smart housing certification is a prerequisite for all projects receiving local or federal funding through the city of Austin. So let's get down to the smart. So the S stands for safety. What does that mean? Safety means it meets the all applicable local codes, building codes and all the building criteria manuals. The M stands for mixed income, which for a successful developments, it's -- you don't want to concentrate all affordable housing. You want a MIX of incomes to make it a viable development. A stands for accessible. The smart housing program has accessible standards that are available for all our developments. I will go into this a little bit more.

[4:53:51 PM]

R is reasonably priced. Matching affordable units with house molds at or below 80% of median family income. And the T is transit oriented, a location near transit, existing transit stops. The courthousing incentive has supported the -- the smart housing incentive has supported affordable housing in Austin since 2000 and continues to provide incentives for developers. One of the incentives to be offered developers is the development of fee waivers which can range from 25% discount to 100% discount on specified fees. Another important contingent of the program is the expanded development review process. Community benefits realize through the programs reasonably priced units, superior accessibility standards, meeting Austin green building ratings and transit oriented development.

>> One of the things that I guess I wanted to convey an important element of the program is that 100% of the development, not just the affordable units meet what's set out in the smart housing program. So in addition to the affordable units we get additional accessibility, we get additional green building and of course are all compliant with those criteria.

[4:55:55 PM]

For example, smart housing was a catalyst to the incorporation of visitability criteria into the local amendments to the international residential code. When the visitability amendment to the irc was introduced, smart housing had already proven that it was possible to develop visitable homes affordably by producing with our partners more than 6,000 visitable homes within Austin.

>> We've already gone through the S, M, a, R, and I wanted to pause on the T for a moment. In the fall

of 2014 city council passed an amendment to the smart housing ordinance that codified the transit-oriented criteria which had previously been administered through our smart housing program guidelines. And the codification of the criteria requires now that all smart housing be within one-half mile walking distance of a public transit route at the time of application. The distinction here is that previously there was opportunity to interpret the distance as "As the crow flies" rather than the street network that allowed a resident to walk from their home to the available public transportation. There's also an element of the code that allows for an exemption to the transit-oriented criteria as long as the applicant can demonstrate and meet a specific requirements that are laid out in the code.

[4:57:58 PM]

So as Javier explained, smart housing is a developer incentive program, which means that we are engaging in an exchange of developer incentives for community benefits.

>> And the two developer incentives provided in the S.M.A.R.T. Housing program are expedited review and development fee waivers. Expedited review has many challenges that we're seeing right now. We've heard that interest our stakeholders. And it's also been reported in the zuca report. We had them highlight it here, but some of the -- one of the major concerns that we hear from stakeholders is that they feel they are no longer experiencing an expedited review on S.M.A.R.T. Housing certified projects, in part they believe because of regular staff turnover and previously there had been a dedicated review team for S.M.A.R.T. Housing developments, and that team no longer functions in the same capacity.

>> Casar: May I interject with a question on that one? Have we done side by side comparison of how long a review in the last year has taken on a S.M.A.R.T. Project versus a project of the same time or comparable project that's not in the program?

>> So my understanding is that the planning and development review department was only capturing limited data on the review process for S.M.A.R.T. Housing development specifically and the information available only looks at the very initial phase of development, not the lifetime of the development review process. So the complication there is that developers might experience an expedited review in the initial phases, but then as the development went on, it's more site or development specific to the review experience.

[4:59:59 PM]

But we do see that S.M.A.R.T. Housing projects have continued to receive faster review times than traditional developments. However, review times overall are just getting longer, and that's why we say that our stakeholders feel that they are not experiencing the expedited review, whether or not they are receiving expedited review.

>> Casar: Okay. Understood. And do you all have a recommendation later in your presentation of how much faster the S.M.A.R.T. Housing program should be than the regular process to make it work? Or is that still --

>> We don't have a specific recommendation for that. We will have recommendations about improving the expedited review, and I think that that would take a stakeholder process to be able to come up with a recommendation for review times because it really is the developers, the users of the program who are the experts, as far as that.

>> Casar: Thank you.

>> So see waivers are the other developer incentive, and this chart lays out the spectrum of fee waivers that are given, depending on the amount of affordable or reasonably priced units that are provided in the development. As you see, it ranges from 25% fee waivers all the way to 100% fee waivers.

>> Casar: And I hate to keep interrupting you, you may not have it in this presentation but I think it

would be helpful to see how many folks participate from the ten to 40% range because my understanding is the fee waivers are -- I mean I wonder if 100% fee waivers is enough of an incentive to get you up to the 40% because at least the cases we've seen -- I've seen in the past couple of years tend to be on the lower ends, but maybe I have missed some cases in my after individual council watching. I think it would be helpful for us to see how many of the applicants that actually wind up in the restrictive covenants have gone with 10 investor 15 versus 20 up to 40%.

[5:02:07 PM]

I think that would be helpful. I imagine y'all have that somewhere.

>> I would say anecdotally you're right in your observation, what we hear is that the 100% fee waivers as they desist are not enough of an incentive for folks to participate at the 40% reasonably priced level. It's predominantly nonprofit and for-profit developers who focus on the housing who are going to be providing the 40% or 100%.

>> Casar: And so would you say that it's a pretty accurate characterization to say the reason the folks participate in the program is primarily due to the expedited review promise and some parts of the fee waiver?

>> I would. Later in the presentation we'll speak to some of the major themes of feedback that we've heard from stakeholders, but one of the things that really rose to the top was that expedited review is the most valuable of the two incentives right now. So this just gives some example of various projects. We wanted to give you real-world examples of the amount of fees that tend to be waived for different types of projects. Last year, kind of in conjunction with working on the code amendment on the transit criteria we began a comprehensive analysis of our S.M.A.R.T. Housing data. We're looking at all certified developments from 2000 until 2014 and did our best to slice and dice in all sorts of ways. We just wanted to give you some examples. The slide shows over time the single family and multi-family units that were produced. So units on the ground. And you'll see there's a dip in the fy -- the fiscal year 2008, 2009, which, you know, we understand from recession most likely. And then in the fiscal year 2010-2011, that hike in the multi-family units produced is most likely due to the university neighborhood overlay units that would have been certified in earlier years and then we saw an increase in completed units around then.

[5:04:30 PM]

So this next series of maps looks at certified developments. So the previous slide we were looking at units on the ground that have been completed, but this is developments that may be in any -- any phase in the development process from start to finish. And this one shows all S.M.A.R.T. Housing certified developments from 2000 to 2014. We think this is significant for a few reasons. One, having looked in the universe of certified units we get an idea of folks' interest in participating in the program, whether or not the developments come to completion. We see that there's quite a bit of interest in -- or what the interest is in participating. It also demonstrates the geographic dispersion S.M.A.R.T. Housing provided, providing affordable units all throughout the city. The next three slides we'll go through quickly. They show in three different time ranges the developments certified. Here's 2000 and 2004, 2005 to 2009. We see that little bubble around the university where we're getting the union uno certified units and 2010 to 2014. We also wanted to give you a unit summary that looks at all of our developer incentive programs to put S.M.A.R.T. Housing in context. So these are not cumulative Numbers in that a unit may fall into more than one category, for example, we have many units that are both -- fit under the university neighborhood overlay density bonus and or S.M.A.R.T. Housing certified is or under the tads and are S.M.A.R.T. Housing certified. I wanted to highlight one of the challenges we face in tracking our

data and being able to present really accurate Numbers both to the councilmembers and to the public is that we do not have between the neighborhood housing department and the planning department an automated tracking system that speaks to each other so there's a lot of manual labor intensive work that goes into corresponding the data from nhcd back to what's captured in the planning department's Amanda system.

[5:07:02 PM]

There aren't unique identifiers for projects that speak to each other, and that juts adds to the labor incidencety of providing these Numbers -- intensity of providing these Numbers.

>> Gallo: And I appreciate you mentioning that because as we look at that, those departments and talk about how to make them more efficient, has your department recommended the solution to that? I mean, how did we progress? How did we take the problem and progress to a solution?

>> We have been working actually on our own Amanda system. And have had some collaborative meetings with the planning department and their Amanda people because the goal would be that eventually those two systems would talk. And we'd have a better system of tracking those developments. So . . .

>> Gallo: So is there -- is there an evaluation of the problem and a recommendation for the solution?

>> That right now is what we're looking at. Whether or not it can be completed I just don't know that. The answer to that.

>> Gallo: So how did we help you get to that point? So, you know, we've got two city departments that aren't talking together -- or talking well and trying to -- in trying to coordinate this information. We have lots of it people running around and what I want to make sure we're capable of doing is when we hear issues, understanding how we best can help progress to solve those through policy areas?

[5:09:03 PM]

>> Right.

>> Gallo: So is -- help me understand what we can do to help speed this along.

>> I think that we can provide you with probably additional information on where we are all at with our Amanda upgrades and, as always, I'm sure it's a matter of resources in the department.

>> Gallo: Okay. Absolutely. And that's where policy help comes in --

>> Right.

>> Gallo: Is that as we allocate resources to different department, I think it's important for us to understand the roadblocks that you have in being able to do your job as well as I know you all want to do it.

>> Mm-hmm.

>> Gallo: Question. Part of the Zucker report on planning was an inefficiency in the software, and is Amanda part of the software in efficiency that's been diagnosed? And the only reason for that question is if we're looking at software upgrades there and you're separately working on Amanda, are we now going to do something in planning that's then going to circumvent what you're doing in your department because it's going to be a new software program over there?

>> Casar: Councilmember Gallo, I think we should definitely talk and hear about this when we go through the Zucker report recommendations, which I was hoping to get at this meeting, but because of some of our staff being out we'll discuss maybe hearing that in may. I've also heard that the code department is very manually operated in some corners, so I think that we may want to get an update, since this is all having to do with mapping and properties and the review process, to some extent, and the properties that already exist. I think that, you're right, we need to not solve each individual

department's software problems if there is a good solution that may connect several of these departments to the best software.

[5:11:06 PM]

So I think we should just make -- I think it's great that our committee has heard this in the S.M.A.R.T. Housing and neighborhood housing context and we'll probably hear about it from code and then also from review and I think that that will probably be part -- I imagine that that will be part of the city manager's recommendation that's come back from the resolution we passed not too long ago asking for -- asking the same question of him that you just asked of our staff, how can we help you make this happen and what metrics and strategies would you see -- like to pursue first from what you've heard back from the reports we paid for. Jog absolutely. Just, you know, it goes back to every time I they are we're the number one technology city in the country, I think, you know, the city should be a part of that. So I really want to encourage --

>> Casar: You really don't want to see what --

>> Gallo: Yeah, whatever we need to do to keep us moving in that direction. So aside perfect that conversation conversation -- thank you for bringing that up, it's important for everyone to make sure we make progress on that. If you could go back to the previous slide. I had a question on the P.U.D. Affordable units that says in review under the fee in lieu. Because one of the -- I'm not sure whether this is the appropriate time. Once again, I think a lot of these discussions and presentations really need to be made before the full council but one of the things I would ask is what does that mean in review in the column for fee in lieu?

>> So we have the in review there because we have received fee in lieu from one P.U.D. That was scheduled to provide the fees at an earlier stage in the development process than is our standard policy. And, unfortunately, that development is not moving forward as planned. So we're in the process of working with the developer to -- to determine how the fees -- what percentage of the fees or how the fees will be returned to them or if there's another way that we might address their change in development plans.

[5:13:13 PM]

>> Gallo: What development is that?

>> That was the 211 south Lamar P.U.D., what was referred to as the taco P.U.D. They pulled their site plan and requested a refund. So right now we -- I think we provided a report on this, and I wish I had it. I think there's some misconception since the affordability requirement went requirement went in place we have not had -- we have not received a fee in lieu on a P.U.D. We have had a few projects that are closer to the central city that were developed not on a 10-acre track, but on smaller tracks that have that -- that had council approved fee in lieu as -- as part of their P.U.D. Ordinance. The majority of these units are on much larger P.U.D.S, where there's a MIX of multi-family and single family and commercial, and I'll use one in particular, good night ranch is one of the P.U.D.S that's included in this line item. But we can provide you some more information on -- on that. I believe that we had sent a memo that kind of touched on the performance of fee in lieu and P.U.D.S.

>> Gallo: And once again, I just think these are really important questions and answers and briefings that I really think we need to have before the full council also on a lot of these items. So am I hearing -- because I know when I've asked the question about what's happened to mitigation fees for traffic, that I seem to hear that they're being held in planning and haven't been dispersed out to transportation.

[5:15:37 PM]

Is the same thing happening with the fees in lieu? Are they -- when they're collected, are they held somewhere and then eventually transferred to your department? Or how does that accounting process work?

>> They're actually collected by us.

>> Gallo: Okay.

>> So they actually write a check and deliver a check.

>> Gallo: Okay, thank you.

>> Two more things, thank you for bringing us back to the slide. Two more things I'd like to point out. I apologize the totals are actually as of March 2015, not '14, so they are more up to date than. Also, we're scheduled to come to the council's housing and development committee in May, May 27, to speak to the resolution from the previous council on the P.U.D. Density bonus in lieu so we'll be coming back to that committee to give a briefing on that item, I believe, in May.

>> Casar: Mayor pro tem.

>> Tovo: Here lies one of the challenges with having both a housing and a community development and planning committee. We had actually requested a discussion of the density bonus program here, and as chair Casar mentioned it's been tabled to next month because your staff -- the staff in the planning and development review who are working on it were not here, but the intent is exactly that, to look at what the results of the P.U.D. -- Of you -- your look at the P.U.D. process to see what it would take to convert that to an on-site requirement, and then my there is in moving forward with a resolution to do that with our other categories of programs where we September -- to make that a requirement. So maybe we should just think about how we want to handle that if it doesn't -- it doesn't make great sense for our staff to present that at housing and then come present it here as well.

[5:17:39 PM]

So a better plan might be just for all of us to know about that discussion taking place and have it happen in one place. But we can consider it.

>> Casar: Yeah.

>> Tovo: Other options too.

>> Casar: Good point taken, mayor pro tem. I think the committee on committees is still trying to figure out how all this is going to work and get standardized. And I think that one important place is there's been a lot of thought about how an item brought forward by a councilmember gets to a committee, but I think also it's important to be able to help our staff coordinate so that they know who to go and present to, and I think if there's interesting therefore on both the housing and neighborhood and planning committee we can just have one meeting with some of us, with us for both committees or in front of the whole council. But to address councilmember Gallo's point, at the same time in the other committees that I'm in there have been presentations where folks have said, well, maybe we need to have this in front of the full council and have nonstop presentations again. So I think our hope -- my hope in this committee is for us to get a strong enough understanding of which policies we would like to see changed and a strong enough backup on the information that we can present really strongly to the full council and concisely why it is we want to make those changes. So that, you know, we take on our piece of the work as a committee and help everybody else focus on other things and then once we bring a strong enough case forward hopefully they'll understand our reasoning and bring us another couple of votes that we need to move something forward. I know that y'all have a few more -- couple more slides of recommendations to make but before we get there there's a couple more parts of the program that I have questions about. One is the own -- I understand that under rental -- there's a -- is it a ten-year minimum for the affordable housing or five year? Sorry.

>> It's five years.

>> Casar: Five year minimum?

>> And one year for single family.

>> Casar: So under single family, one year means that it has to be on the market at the reasonable price for a year?

>> It means that it has to be sold to an income eligible buyer and that buyer remains in the home one year.

[5:19:48 PM]

>> Casar: That buyer remains in the home.

>> Of one year. And when S.M.A.R.T. Housing was originally developed, it was really about bringing my - my understanding, Mr. Hirsch might have a different interpretation, but it was really about bringing about -- bringing the developers back into the city of Austin. They weren't building starter homes or -- that someone at 80% or below median family income could afford to own. And so that worked. I mean, for a number of years, that has worked. It's not --

>> Casar: Thank you.

>> It's not something that is working today, however.

>> Casar: Understood. And I saw the graphs, and it paints an important picture.

>> Yeah.

>> Casar: Before y'all get into your recommendations, last question, when we were contemplating the zoning case on burnet road recently, you know, there were concerns about whether somebody could come into the program, state that they were going to participate in the program and then pay the fees instead of -- before signing the restrictive covenant. Do we have any information on how many people have started participating participation in the program and then right at the end, before getting their Co they decide that they're not going to do the affordable units and have to pay us back a certain amount of money?

>> I believe we probably could come up with which projects and who the developer was, and what they paid back.

>> Casar: Would you say that's a common experience that we have today?

>> It's not that common. You know, there might be -- we've had situations where there's been, particularly in our single family subdivision, where they have maybe not met the entire 40%, they came in optimistic that they could achieve that 40% and didn't.

[5:22:06 PM]

So they might have had to have paid back some of the fees, but not all of them.

>> Casar: Your point is well-taken. There any recommendation that y'all have for us to lock people into the program sooner?

>> Yes. One of the things is developing a contract up front. We have started the restrictive covenants on projects, and that's necessary, not only in S.M.A.R.T. Housing developments but also in uno, we had a situation where a number of developments completed -- completed developments were sold and there was nothing on the title that indicated that they had an affordability requirement. And so the new owner was quite shocked to learn that they had an affordability requirement.

>> Casar: Okay. I'm glad to hear at least that they still had the requirement.

>> Yeah.

>> Casar: Their shock matters a little less to me. I am encouraged that we're coming up with a way to lock people in sooner, and I'm happy to hear about those recommendations just because my preference

is that if somebody is going to participate that we're sure they're going to participate instead of -- if it's legally possible, instead of having the fee on the out at the end. So I'm interested in that, interested in making it work, so look forward to y'all's recommendations to make sure the expediting truly works, we lock them in so we don't expedite them and they essentially get an expedited for a fee rather than expedited for the S.M.A.R.T. Housing. If we can figure out how to make both of those works I think this committee would be pretty interested in that.

>> Okay, thank you.

>> For the sake of time I won't read through all of these goals. We've started to initiate a comprehensive review of the S.M.A.R.T. Housing program that we hope will lead to revisions, and really the overarching goal of any revisions to S.M.A.R.T. Housing policy is to ensure that the policy is responding to the current environment, the current development, and housing environment and that the policy continues to be innovative and sets best practices that we hope will be followed in other city policies.

[5:24:38 PM]

A couple I can pull out here are that securing deeper levels of affordability to meet the housing gaps that are identified in our housing market study and also is a look at providing a spectrum of developer incentives that are proportionate to the community development, the community benefits that we would be asking for and that are provided through S.M.A.R.T. Housing certified projects. So, again, over the summer, as we started the code amendment on the transportation criteria and also initiated this more holistic review of S.M.A.R.T. Housing policy, we held a series of stakeholder engagement opportunities ranging from one on one interviews to more facilitated stakeholder meetings, and we worked with the development community, with nonprofits, housing advocates, users of the smart housing, and current and former staff. And the next two slides give you the major themes that we heard from stakeholders, and I'm just going to highlight a few so that the first theme there that the S.M.A.R.T. Housing certified projects are no longer experiencing expedited review and you've already heard this in this presentation and echoed in the Zucker report and we feel that this is a point that is very important for us to address sooner than later. Another element to pull out is that the fees that are eligible to be waived as of now need to be expanded to capture the reality of the development experience right now and all of the current fees that developers need to pay. And as I said earlier, we've heard from stakeholders that expedited review is currently the most valuable of the incentives that we provide. And, again, that they are feeling that they're not experiencing that.

[5:26:44 PM]

And in part because of staff turnover. In general we've been encouraged to look at additional incentives we might be able to provide on top of the fee waivers, on top of expanded fee waivers, and on top of expedited review that is truly expedited. So these are a few things that we have been working on as a department in response to the experience of going through the code amendment process on the transit oriented development requirements. We're working closely with capital metro to ensure they're aware of all of our S.M.A.R.T. Certified projects, that they have a chance to review the applications and weigh in on them. We're also part of the public works sidewalk master plan and the priority scoring matrix conversation happening right now. They're reviewing their priority scoring matrix to ensure that there's opportunity for sidewalks to be prioritized in the areas where we have affordable housing. And then here are the recommended next steps we've all been waiting to get to. Again, the theme of having more robust incentives to be able to offer developers so that we're able to increase the community benefits but also just increase participation in the program. We'd like to evaluate the possibility of a tiered system or -- where like we said before, the incentives they receive are matched to the community

benefits that you provide and that there are lots of opportunities for developers to participate at various levels. We need to work more closely with the planning and development will have department to enhance expedited review services, and, generally, want to explore opportunities to -- we feel that the city should explore opportunities to increase the opportunities in the city's most transit connected consensus tracts.

[5:28:55 PM]

This was something that came up in the transit oriented amendment because we found that the transit network that exists is located in the medium to lower opportunity consensus tracts based on the Kerwin institute's opportunity index whereas our highest opportunity consensus tracts have little to no transit connection. And if you have any other questions for us

>> Casar: Councilmember Gallo, any last comments?

>> Gallo: It's down to simultaneous.

>> Casar: It's down to us. We're scheduled until 6:00 but I told people I thought we might get out of here by 5:00 so I think they took my word for that. It seems like Mr. Hirsch has a comment or question so I'll give you 502nd here at the mic before I let councilmember Gallo and our staff go. So I guess my question for you, since I need to does questions, is did you have some comments?

>> Yes, sir. I just wanted to say that I help non-for profits build affordable housing, we don't get expedited review ever and the departments that interface with development services are even less cooperative than they are that Zucker identified. Secondly, S.M.A.R.T. Housing is not a program. It's a policy. We had an auditor, city auditor report in the early part of the century that documented that was part of the problem, is that the staff looked at it as a program like other housing programs, when it was a policy. We don't have budget measures that we used to have with monthly reports that identified what expedited review would look like and put in every performance measure of ever reviewer in the city that they were going to comply with it or face disciplinary action.

[5:31:02 PM]

That culture that used to exist when those Numbers peaked in 2008 has not existed in 2008 in this town.  
[Buzzer sounding]

>> Worse than that, affordability impact statements are required for everything you act on relative to fees increases that affect development and S.M.A.R.T. Housing and what not and the staff has been inconsistent on giving you those. So we've had a number of fee raises and new fees implemented in violation of city adopted ordinances and nobody seems to be doing anything about that. So you have a culture problem and you have a legal compliance problem, and you have a performance measure budget problem, in addition to all the other things the staff has correctly laid out. If you don't address all those comprehensive when you take up the budget, S.M.A.R.T. Housing will remain as ineffective as it has become.

>> Casar: Thank you.

>> That's tragic for those of us who embrace it.

>> Casar: Thank you. So I think as a final comment I appreciate y'all's deep look into this, and I think we - I'm personally concerned, I think others are concerned about making sure that this does work, and your point is well-taken, it's not a program, it is a policy. I hope to make it function as well. As far as follow-up goes what I'm interested in is how many folks are first trying to work under the capitol then ultimately not. In the that is helpful for to us find out whether we need to ask people to -- under our policy to sign a restrictive covenant earlier and I'm top hearing that if they've got a -- ramp down the number of units to some degree, perhaps the recommended consequences might be of that. Then,

secondly, what expedited review really should look like, how much more expedited does it really need to be for people to participate? I know you all have talked to stakeholders and have those recommendations broadly laid out more more specifics so we can have those performance measures and have a real conversation about it.

[5:33:06 PM]

Finally what resources we need to help bring to the table to make that happen. And the whole culture change that we're discussing around this I think is part what have we're talking about with the whole culture change at -- in the review departments and site planning and permitting. And so we'll be having that discussion next month. Councilmember Gallo, moving on to item number seven, discussion of future agenda items, is there anything that you really want to see next month? I've already consulted with councilmember Renteria and the mayor pro tem. In particular I think the density bonus program we want to get on next month and also a report back on how things are going with Zucker and the resolution that was passed by the full council, as far as strategic planning -- plan and performance measures on improving the planning and development will have process. So we've got those two big items. We'll likely have the buyout item if it's ready by staff -- perhaps not likely. Perhaps that may take until June.

>> Gallo: I think so. I would imagine that the Zucker report will take up most of the meeting. I would hate to load too much on that. And the other thing is I would want to -- let's make sure that the other councilmembers are aware of the fact that that will be discussed because I think that will be something they'll be there for everyone.

>> Casar: We'll make sure to let them know about that and also the density bonus conversation we'll make sure the housing committee and this committee are aware of the time and place for that and maybe we can make it happen all at once.

>> Gallo: Perfect, good.

>> Casar: With that we'll adjourn the meeting of the neighborhoods and planning committee. Thank you y'all.

[Meeting adjourned]